

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 25, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Anya Grahm, Planner; Polly Samuels McLean, Assistant City Attorney, Jody Burnett, Outside Counsel

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

October 11, 2017

Commissioner Thimm referred to page 39, bottom line, and changed the word slash to correctly read **phase**. On page 44, last line, Commissioner Thimm changed collaborative to correctly read **collaboratively**. On page 81, bottom paragraph, Commissioner Thimm changed B17.2 to correctly read **V17.2**. The change occurred twice in that paragraph.

Commissioner Band referred to the top of page 17, last line, and changed a typo 1987 as the approved density to correctly read **197**, to be consistent with the correct density number in the previous sentence.

MOTION: Commissioner Joyce moved to APPROVE the Minutes of October 11, 2017 as amended. Commissioner Campbell seconded the motion.

VOTE: The motion passed. Commissioners Band and Phillips abstained since there were absent on October 11th.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson announced that the Planning Commission would have two meetings in November; November 8th and November 29th. Since November 29th is not the normal second Wednesday of the month, the Planning Department will notice for that meeting. Commissioner Thimm had informed the Planning Department that he was unable to attend on November 8th.

Director Erickson stated that the Planning Department was communicating with the Parking Department to make sure that the public and the Commissioners have free parking available when they attend public meetings. He was working on options with the City Manager and he would keep the Commissioners informed. The implementation date is December 15th.

CONTINUATIONS (Public hearing and continue to date specified.)

638 Park Ave – City Council Remand of a Conditional Use Permit (CUP) for a Private Event Facility Back to Planning Commission for Additional Review. (Application PL-16-03225)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 638 Park Avenue, City Council remand of a Conditional Use Permit to November 29, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **11, 14, 17, and 24 Nakoma Terrace – Nakoma Condominiums- Second Amendment to First Amended and Restated Nakoma Condominium plat to create private and common ownership for four completed units.**
(Application PL-17-03644)

Planner Kirsten Whetstone reviewed the application for an amended condominium plat for four units in the Nakoma Condominium Project at Empire Pass. This plat memorializes the as-built conditions of these units for the density and the UEs, as well as the density, which is tracked at Empire Pass.

The Staff requested that the Planning Commission conduct a public hearing, consider any input, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval in the draft ordinance.

Chair Strachan asked if this request was basically memorializing the as-built conditions, and the UEs attributable to it. Planner Whetstone answered yes. She explained that it provides a chance to record the units and the size of each unit. She noted that in this case, anything in a basement counts towards the UEs, and anything in a garage over 600 square feet counts in the UEs. That information is required to be on the plat so it is recorded and finalized.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council regarding 11, 14, 17 and 24 Nakoma Terrace, Nakoma Condominiums Second Amendment to the Plat, to create a private and common ownership for four completed units, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Director Erickson noted that Planner Whetstone had specifically mentioned the density table in Finding of Fact #19 in response to the request by the Planning Commission at the last meeting.

Findings of Fact – 11, 14, 17 and 24 Nakoma Terrace

1. The property is located at 11, 14, 17 and 24 Nakoma Terrace.
2. The Nakoma Condominiums are located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999 and amended it in March of 2007. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II (Pod B-1).
5. The approved Flagstaff Mountain Resort Phase II MPD includes a maximum density assignment and conceptual site design for eighteen (18) detached single family units utilizing not more than 27 Unit Equivalents on Northside Village Subdivision II, Lot B (aka Nakoma Condominiums).
6. The Planning Commission approved an MPD amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved.
7. The Planning Commission approved a second amendment to the Nakoma Master Planned Development on April 23, 2008. That amendment allowed for the combination of units 17 and 18 into a single unit of 7,500 square feet and further allowed the distribution of the square footage to the other un-built units. Units 1-16 still have a maximum footprint of 3,000 square feet while unit 17 (combined unit) is allowed a maximum footprint of 5,000 square feet. The total Unit Equivalent count remained unchanged and cannot exceed 45 UEs (90,000 square feet).
8. On April 23, 2008, the Planning Commission approved the third amendment to the MPD to remove the 5,000 square foot cap on the total square footage of each unit while maintaining the total square footage cap for the project (45 Unit Equivalents or 90,000 square feet of total square footage). That amendment would allow for variations in size from 4,300 to 5,750 square feet and also maintain the cap of 3,000 square feet on the footprint. The approved maximum building footprint for the units 1-16 detached single-family units on Northside Village Subdivision II, Lot B, is 3,000 square feet with a maximum house size between 4,300 square feet and 5,750 square feet (whether considered a Basement or Floor Area by LMC definition). An additional 600 square feet is allowed for a garage.
9. Unit 17 may be up to 7,500 square feet of total floor area (again, whether Basement or Floor Area as defined by the LMC) with a footprint not to exceed 5,000 square feet.
10. On November 11, 2009, the Planning Commission approved a Fourth Amendment to the MPD. The Fourth Amended MPD allows the following:
 - Units 1 and 2 combined into a duplex configuration, maximum footprint of 6,000 square feet.
 - Unit 17 (previously combined with unit 18 into one larger unit) with an option to become a duplex, returning the unit count back 18. As a duplex, footprint

increases from 5,000 square feet to 6,000 square feet.

- Reduce minimum unit size from 4,300 to 4,000 square feet.
- Maintain maximum unit size at 5,750 square feet (except if unit 18 is not constructed as a duplex with unit 17 and 17 can be 7,500sf).
- Maximum cap of 45 Unit Equivalents remain.

11. The proposed amended record of survey is consistent with the approved and amended Master Planned Development for the Flagstaff Mountain Resort Phase II and the previous condominium plats requiring a re-platting of the units.

12. Units 1 and 2 each consist of 4,712 square feet in total floor area, including basements but not including the garages. Units 7 and 8 each consist of 5,463 sf in total floor area not including the garages.

13. Each unit has a garage less than 600 square feet and therefore no excess garage area is included in the total unit size.

14. These units do not exceed the maximum unit size of 5,750 square feet.

15. Units 1 and 2 each have a building footprint of 2,095 sf. The combined footprint is 4,190 square feet (not including decks, exterior stairways, or the common courtyard between them) which does not exceed the 6,000 square feet allowed.

16. Units 7 and 8 each have a footprint of 2,993 square feet which is less than the 3,000 square feet allowed for each.

17. The Total Unit Equivalents consumed in these four units is 10.176 UE (20,350 sf). With the 20.70 UE from the First Amendment there are now a total of 30.876 UE platted between the 4 Units of this plat and the previous 8 Units. There are 14.124 UE (28,248 square feet) remaining for units 3, 4, 5, 6 and 17.

18. Two parking spaces are required and provided for each unit.

19. The Flagstaff Density Summary already indicates that a total of 18 units and 45 UE are platted in the Nakoma development. The Summary is updated when certificates of occupancy are issued.

Conclusions of Law – 11, 14, 17 and 24 Nakoma Terrace

1. There is good cause for this amended condominium plat.
2. The amended condominium plat is consistent with the Park City Land Management

Code and applicable State law regarding condominium plats.

3. Neither the public nor any person will be materially injured by the proposed amended condominium plat.
4. Approval of the amended condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 11, 14, 17 and 14 Nakoma Terrace

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
 2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
 3. All conditions of approval of the Flagstaff Annexation and Development Agreement, as amended, and the Flagstaff Mountain Resort Phase II (Pod B-1) Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
 4. All applicable notes, easements and requirements of the First Amended and Restated Nakoma Condominium plat continue to apply and shall be shown and noted on this plat prior to recordation.
2. **1887 Gold Dust Lane #201/202 – A plat amendment proposing to transfer approximately 129 square feet from Unit 201 to Unit 202 within the Gold Dust Plaza Condominiums. (Application PL-17-03655)**

Planner Tippe Morlan reviewed the application to amend the existing Gold Dust Plaza Condominium Plat for Units 201 and 202. The proposed request transfers 129 square feet from Unit 201 into 202. Planner Morlan stated that from her research of the building records, it appears that this was constructed when both units were under common ownership around 2002. This plat amendment would memorialize as-built conditions.

Planner Morlan noted that the change was interior to the existing structure, and it would not change any zone requirements for the buildings.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council finding good cause in that it memorializes the as-built conditions, and does not cause an increase in size or impact to the site. The use of office space and office condo units will remain the same.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to forward a POSITIVE recommendation to the City Council for the 1887 Gold Dust Lane, Units 201 and 202 plat amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Suesser seconded the motion.

Findings of Fact – 1887 Gold Dust Lane

1. The property is located at 1887 Gold Dust Lane Units 201 & 202.
2. The property is in the General Commercial (GC) District.
3. Adjacent land uses are office and commercial uses.
4. The subject property consists of Units 201 and 202 of the Gold Dust Plaza Condominiums which were recorded in 2000.
5. Based on Building Permit B02-08063 issued on October 23, 2002, it would appear that a previous tenant constructed the units in the manner proposed on the plat with the removal of a portion of the wall between Units 201 and 202.
6. The subject property was included as Lot 17A of the Prospector Square subdivision recorded on December 26, 1974.
7. The Prospector Square Resubdivision of Lots 17A, 17B, and 18A was recorded on June 3, 1994 and included the subject property.
8. The Fuego Replat combining Lots 17A and 17C of the Prospector Square subdivision was recorded on December 17, 1999 and included the subject property.
9. The Gold Dust Plaza Condominium Conversion was approved by the City Council

on April 20, 2000 creating 8 separate units within the office building located at 1887 Gold Dust Lane, which was under construction at the time. This condominium plat was recorded on July 10, 2000.

10. On August 31, 2017, the City received a Plat Amendment application for the Gold Dust Plaza Condominiums Units 201 & 202, First Amended. The application was deemed complete on September 22, 2017 and is the subject of this report.

11. The applicant is proposing to transfer approximately 129 square feet of private area from Unit 201 to Unit 202.

12. The Management Committee of Gold Dust Plaza Condominiums has provided a Certification of Vote indicating that greater than 75 percent of the Unit Owners have given consent to the proposed amendment.

13. The proposed change will not affect the use of the units. Both units currently have a general office use which is an allowed use in the GC zone.

14. The proposed changes are interior to the existing structure and do not alter any features of the building relating to building height or setback requirements.

15. The proposed changes to the units have already been constructed. The proposed plat memorializes the as built condition of Units 201 and 202.

16. This proposal does not change the size of the overall common area for the development.

17. Unit 201 is currently 994 square feet in size and will become 866 square feet in size.

18. Unit 202 is currently 1109 square feet in size and will become 1238 square feet in size.

19. Parking is also maintained since the overall FAR of the building is not changing, and the parking requirements are not changing.

20. The parking requirements for Gold Dust Plaza fall under the Prospector Square Subdivision regulations which have been based on a maximum density of 2.0 FAR with zero lot line development since it was first platted in 1974.

21. The existing parking for the Prospector Square Subdivision contains thirteen (13) shared parking lots with 1,096 total spaces intended for common use and satisfies parking requirements for this development.

22. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1887 Gold Dust Lane

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1887 Gold Dust Lane

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All other conditions of approval and platted requirements for the Gold Dust Plaza Condominiums continue to apply and shall be noted on the plat
3. **1002 Woodside Avenue – A plat amendment proposing to combine the two existing lots addressed at 1002 Avenue into one lot of record.**
(Application PL-17-03670)

Planner Morlan reviewed the application to combine two existing lots, both addressed at 1002 Woodside Avenue. It is the entirety of Lot 31 and 32 of Block 4 of the Snyder's Addition. These are two full historic sized lots, 25' x 75' each. The total lot to be created is 3750 square feet total.

Planner Morlan noted that an existing historic structure sits on the site dating from 1910, and it meets the requirements of the HR-1 zone. Historic structures are valid and complying in certain requirements such as setbacks, which this structure does not meet. There is an existing historic house at 1010 Woodside Avenue, which encroaches slightly

on to this property. An encroachment agreement will be required as addressed in the conditions of approval. Since both structures are historic, the issue would be resolved with the encroachment agreement.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council, finding good cause that the request cleans up property lines, it resolves issues relating to the property line bisecting the existing historic house, and the encroachments would be resolved.

Chair Adam asked why this property line was not cleaned up in 1995 with the last renovation. Planner Morlan did not believe it was required for renovations at that time. Director Erickson concurred. The City was less rigorous with historic houses in the 1990s.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Plat Amendment at 1002 Woodside Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1002 Woodside Avenue

Findings of Fact:

1. The property is located at 1002 Woodside Avenue.
2. The property consists of Lot 31 and Lot 23 of Block 4 of Snyders Addition.
3. The property is in the Historic Residential (HR-1) District.
4. There is an existing significant historic structure at this address.
5. The existing home was constructed in 1910 with significant rear additions constructed between 1958 and 1995.
6. The property line between the two existing lots bisects the structure.

7. The applicant proposes to combine the subject lots into one lot of record.
8. Both existing lots consist of 1,875 square feet and are 25 feet by 75 feet each.
9. The proposed lot is 3,750 square feet.
10. The minimum lot area in the HR-1 District is 1,875 square feet for a single-family dwelling. The minimum lot area for a duplex is 3,750 square feet.
11. The proposed lot meets the minimum lot requirements for both a single-family dwelling and a duplex dwelling.
12. A single-family dwelling is an allowed use in the HR-1 District. A duplex is a conditional use.
13. The minimum lot width in the HR-1 District is 25 feet.
14. The proposed lot width is 50 feet, which meets the minimum lot width requirement.
15. The proposed lot depth is 75 feet.
16. Front and rear yard minimum setback requirements are 10 feet each and 20 feet total. Side yard minimum setbacks are 5 feet each and 10 feet total.
17. Existing setbacks are 8 feet in the front yard, 2.5 feet in the rear yard, 6 feet in the north side yard, and 0 feet in the south side yard; however, the structure is a valid, complying structure since existing historic structures within the HR-1 zone which do not comply with setback requirements are valid complying structures according to LMC Section 15-2.2-4.
18. The maximum building footprint for a lot this size is 1,519 square feet.
19. The existing footprint exceeds this number at approximately 2,182 square feet, but is a valid, complying structure since existing historic structures within the HR-1 zone which do not comply with certain lot and site requirements including building footprint are valid complying structures according to LMC Section 15-2.2-4.
20. The applicant does not intend to increase the building footprint with any remodels.
21. Along the north side of this property, the neighboring house at 1010 Woodside

Avenue encroaches over the shared property line with this property by up to 6 inches for approximately 20 feet.

22. The house encroaching onto this property is designated as a landmark historic site.

23. A Historic District Design Review application is required for any changes proposed to the existing site.

24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1002 Woodside Avenue

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1002 Woodside Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for all new construction.
4. An encroachment agreement is required with the neighboring property owner(s) at 1010 Woodside Avenue for the portion of the neighboring house which crosses into this property.
5. A 10 foot wide public snow storage easement will be required along Woodside Avenue and along 10th Street.

NOTE: The Treasure Hill portion of the Minutes is a verbatim transcript.

4. Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan (Application PL-08-00370)

Chair

Strachan: We're good to go. Mark Harrington is still here so I think we're covered.

Planner

Francisco

Astorga: I think so. We're good. Francisco Astorga for the Planning Department. And for my portion of the Staff report that we produced dated today, I would simply like to go over the exhibits. I would like simply that to be the, the presentation just because there are a lot of components in different places, and I just want to make sure that the Planning Commission, and also the public, that, that we're all on the same page as we're applying the applicable standards. If you don't mind, I'll do that first. I won't take long. Then I'll re-emphasize some of the assessments that we've made on Refinement 17.2. I'll be more than happy to answer any questions that you might have for me at that point. And then we'll turn over the time over to the applicant. Jeff Mangum is going to be speaking on behalf of the applicant, and probably Pat as well. And they have all of their consultants here that may come in and address an item or address a questions. If, if you don't mind we would love to do that, and then we can have the, the public hearing.

As indicated on the very first page of the Master Plan, there are 28 exhibits that are associated with this Master Plan Development. I, I---for the presentation and the Staff report I didn't include all the ones that did not, that are not associated with Treasure. Let me rephrase that. That are not associated with the Hillside Properties known as Creole Gulch and the Town Lift Mid-Station. However, the entire set of plans that we have remains available for the public and for the Planning Commission to review at any given point, as it has been published on our website. And it's the same hyperlink that we've had from all of our Staff reports. But the presentation we printed tonight is what applies to the Hillside Properties.

So the first sheet here, 2, it simply has the red boundary that I did highlight. The line is there but it's extremely difficult to see. It's a very thin line and

that's why I chose to highlight it. And the same applies---the, the redline is the boundary, while the yellow line is the building area boundary.

Commissioner

Suesser: Can you just mention which exhibit you're referring to verbally? I know it's on the screen, but.

Planner

Astorga: Yeah, this is, this is sheet 2 as labeled in the graphic set of plans. And, and sometimes it skips a number here and there. It doesn't really follow it. But just for reference this is just the very first sheet.

Chair

Strachan: It's Link G.

Commissioner

Suesser: Okay.

Chair

Strachan: On your packet.

Commissioner

Suesser: Link G. Okay. Great.

Chair

Strachan: Yeah, Link G, sheet P2.

Planner

Astorga: Oh, the hyperlink. Is that what you want? I'm sorry.

Chair

Strachan: No, it's fine.

Planner

Astorga: Thank you for catching that. So that, that's the very first one. We're going to move on to Sheet 4. And we get a little snapshot of the Mid-Station site. I did have to go in and highlight the buildings. They were extremely hard to see. So I---we took the time so, so you could take a look at those.

The next exhibit doesn't give us much other than the boundary and some of the other portions of the Master Plan. This is Sheet 5.

Commissioner

Joyce: Have you gone back to confirm that---I mean, we had a question at the last meeting about whether the lines that we saw back there that were your yellow lines, do they end up---yellow and orange. Do they end up reflecting that which is not in those as the part that was zoned to ROS?

Planner

Astorga: Yeah, and we'll get to that as we get to a different exhibit.

Commissioner

Joyce: Okay.

Planner

Astorga: So if we could hold that question for a different---

Commissioner

Joyce: So I guess---let me ask you this. If you ever get to a point where we're seeing lines that look mostly like this but they're different than the zoning lines, please flag that just so we know that we're looking at something different.

Planner

Astorga: Okay. I'll flag something right now.

Commissioner

Joyce: Okay.

Planner

Astorga: On, on this Sheet 2, this line comes across on an angle. On some of the other ones you won't see that.

Commissioner

Joyce: Okay.

Planner

Astorga: And we'll get to it.

Commissioner

Joyce: Okay.

Planner

Astorga: So, I can't answer exactly why the discrepancy. Perhaps, Pat Sweeney can. But I, I think the exhibit that we'll refer to in a few minutes will help us with that. So thank you for pointing that out.

We are looking at four, which is just another section of their property. The first site plan was at 200 scale. Now we've moved on, we zoomed in, got a 100 scale, as you can see here. Five is another 100. It's another quadrant, if you will, of the property. Same with Sheet 6 as shown on the screen. And then we have Sheet 7 which is the other portion, the more substantial portion, which is the Creole Gulch Site.

Moving along, we zoom into a 50 scale. And we have that, that angle that I was telling you about, and we have most of the Creole Gulch with the Mid-Station on the other side. And then we have the other side of Mid-Station on Sheet 9.

We move on to the, the exhibit that I call the main site plan, if you will. And there's a lot of information here. I further break this down so we could visualize it a little bit better by shading a few components here and there. But what we find here are the two different sites; Creole Gulch and Mid-Station. These five lines A-E are the building sections. And here and there we get the dense, the density counts. Right underneath the Creole site it talks about the 161.5 unit equivalents. It says hotel and condominiums. And then it talks about the support commercial; the 15.5. And the same thing is allocated on the Mid-Station Site. This matches exactly the narrative on the Master Plan, including the density exhibit that was attached towards the end of that document.

Again, I will come back to this sheet as it, it's sometimes hard to read.

The next one is the building sections that correspond to those five that we just saw. As indicated by the applicant about a year ago, or even before, the reason why we have the white spaces is because we, we were dealing with different scenarios at the time. And then the height was changed from a scenario to a different one, and these were done in, in mylar. So that, that's what that white is. I have another exhibit that will come up that will show how it corresponds with the height zone exhibit.

The next exhibit is a parking exhibit for, for Creole Gulch. This, this one outlines a service area. Yeah, that's correct, a service level, while the next exhibit, it adds one level for Mid-Station and it adds another level for Creole.

If we move along, the Creole site, this is only one sheet, but these levels 20, 30 and 40 are just duplicated levels. So we're looking at three levels of parking here on, on this parking plan Sheet 21.

If we move along, this is the exhibit that we spent most of the, the highest amount of time looking at it. This tells us a lot of things. It tells us, again, it reiterates the density. It, it goes over the building height as it changes throughout each sector or pod. It also has the table for the parking standard as outlined here. I'll come back to it in more detail.

And this exhibit, Commissioner Joyce, does not have that angled line that came in for that building area boundary on the 200 site plan scale. So it is slightly different.

The next exhibit is Mid-Station. These are labeled sample elevations. Again, we see the white because we believe that at one point it may have been a little bit taller, and then that was reduced to match the appropriate approval. This is Sheet 23. The next one is Sheet 24. And it, it also provides the sample elevations for the Creole Gulch site.

Moving along, towards the end of the packet here we have Sheet 28, which didn't use the term building area boundary. It called it development boundary, as shown here. I simply placed the highlight and wrote what I saw that its indicated on. It's easy to see. And then we have another, the other half of, of the same exhibit.

Now we're going to get into Francisco drawing and marking up and few things to help us clarify these same exhibits that, that we just saw. The first one is Sheet 17, the main site plan. What I did here, I simply highlighted what was a building, and then I added a thicker red line to show that building section. I thought it was more appropriate to show the road and the current driveway. And by the way, that road wasn't there. The, the, that portion of the, not the turnaround, what's the word I'm looking for?

Jeff
Mangum: Horseshoe.

Planner

Astorga: The horseshoe was eventually---it was dedicated from the applicant. It, it was deeded over, I'm sorry, from the applicant to the City sometime in the '90s, I want to say. If Pat can confirm.

Pat

Sweeney: Pretty close.

Planner

Astorga: Pretty close. As it was part of the Master Plan, as we can see here. And then we have the driveway leading on to the Mid-Station site.

Going over to the next exhibit. As I indicated before, the orange on the right, Creole Gulch building area boundary. Commissioner Joyce, as I indicated, it didn't have that angle. And then orange on the right, that's Creole Gulch, while the yellow is mid-, it's the Mid-Station.

The other requirement that the Master Plan had is that the site would be the open space, what, what was not part of the building area boundary, was to be rezoned as recreation and open space. And I highlighted the different identifications for that zone change, which took place back in '91. And, and those are the same areas that are currently ROS in that specific district.

The light blue box, again, it shows the density associated with each site. And then the blue box, the dark blue box talks about that table to modified parking. As indicated on, I believe, is development parameter and condition #3, there was an option for a parking standard, which was this standard table to modified parking, or the parking ratio of the time of approval, or the time of application. This is where that comes from. This is page 22, which has the most information. In these little boxes we have specific heights that are associated with each sector or pod. And they are hard to see. So I'm going to move on to the next section, the next page here on our presentation which talks about a zero MBH towards the front, and then it fluctuates depending on which area we're looking at. So what we see here is that this was very specifically done. The, the different heights as it was approved, they were very specific, which did correspond to the site plan which also corresponds to the building sections we're about to see as I color coded them the same to see how, how they were tied up.

Before I move on to the next exhibit, do you have any questions for me on this?

Director
Erickson: Just go ahead and tell the public what MBH means.

Planner
Astorga: MBH. It's written right here on the very bottom, and it says Maximum Building Height.

Director
Erickson: Thank you, Francisco. Sorry.

Planner
Astorga: No, no, no. You're---thank you for that.

Commissioner
Phillips: Now, but, but it says more than that.

Planner
Astorga: And then it says above natural grade.

Commissioner
Phillips: Okay. Just for the record.

Planner
Astorga: So, so the height is to be measured from MBH---this is the maximum building height measured from above natural grade. Please feel free to interrupt me at any time for questions. So we move on to the exact same exhibit that we had already seen before, which comes right after---no, it doesn't come right after. This is 22 while the other one is 18. So there's, there's a clear relationship from the site plan exhibit to the building section exhibit. And these boxes that I, yes I did get to draw; however, I didn't administratively apply each box. What I did, I broke down each section and I found the corresponding number that is extremely hard to see. For example, where, where I'm point at right now, it's building, its Section B and you can see that 25. I could zoom in and show you that. So then I applied a specific scale to this PDF document, and I was able to draw that, that box at 25 feet, 35 and 45. Which, if we look at this last---I'm, I'm going back and forth here. And I, I don't want to make anybody dizzy but I do need to establish the specific relationship here. This cut is made right here. This is Section B. I'm sorry, it's on the other side, it's Section A, which it goes blue 25, green 35, and then 45. Here we have the blue 25, green 35 and 45. So that tells me that based

on the building section boxes, boxes that I created, is that this line over here is supposed to represent that natural grade because it, it's the same measurement. And that's shown pretty, it's pretty consistent here and there. Yes, there are some architectural minor scaling errors and deviations. It's not perfect, but it, it does meet the intent of that specific correlation that we had between the site plan that showed each corresponding height, and the building section.

Do we have any further questions based on, on this? So we're going to move right along.

So, we understand that the next exhibit, which is 23, it's identified as a sample elevation. We, we don't dispute that. But once we apply the same corresponding building height values from both the site plan that had the, the height variations, as well as the building sections, we get, we get approximately the same thing. Obviously, Building A we, we, we show the, the 45, 35. And I do apologize, I didn't get enough time to put the color coding here. I could have done that and it would, and it would have worked out, based on the scalable drawings that we were able to apply the scale on this PDF. And we're able to find, as seen from this elevation---now these are all elevations, not building sections, that we see an approximate cut as shown from the elevation of approximately 14 feet. Building B did not show any.

And then we're going to move on to Sheet 24 where the same measurements do match what was approved, again in the site plan and also in the building section. The only deviation that I found was that this building, which is Building D, the label is all the way on the bottom here, did not, was not fixed as they changed the heights around here and there. The massing that you see here, about three floors on this elevation, should not have been drawn. This was a mistake. I don't know if it was acknowledged, but I can show you that it was never caught based on the building section. I'm going to go back. As you can see, Building D, it was about three stories taller. So they did fix it in the building section. They did not get time to go ahead and delete the, the top three floors of volume on the sample elevations. Perhaps they looked at it and said, well, it's a sample elevation. It's not, perhaps, the exact representation. And, and that, that was the only deviation that I was able, able to locate. However, again it's supported by both the site plan and the building section.

So what we did, based on the recommendation, or the guidance and direction that we received from the Planning Commission two weeks ago was that to compare refinements 17.2 to the, the Master Plan, what we've been calling for quite a while the Woodruff drawing. Which again, the Woodruff was, it, it was a 3-D rendering showing the site plan and the building section.

And that's what I did on the next section of the exhibit. This is Exhibit or hyperlink DD, which is a simple breakdown of the same, of the provided building sections that were provided by the applicant. And what I did here, I had a hard time seeing where that building section took place. So I highlighted it on the site plan. And then I added measurements that are scalable. So, and we can go through these. I thought it was important to get the measurement from the property line to get how far this point would be, which is on Section 1 on Building 1C, it's about 200, 200 feet back. And then the, the way that I'm trying to help the Planning Commission try to analyze this, this is obviously a slice. So it is a two-dimensional drawing. But I thought it would be appropriate to show up the approximate cut as the green line, as shown by the applicant, is existing grade. This does not include any foundations or footings or any of that.

So we can go over these. You can stop me at any point. I did break those down specifically on the Staff report on page 158 of the Staff report. And they're outlined as Item 7, A through H. The most significant one takes place on Section---I think I put an extra sheet there. Sorry about that. But we have on Section 8, this is where the hotel takes place. As you can see, this is this building section where we're about 400 feet away from the property line. And if you're standing on this, on this floor you're looking at that cut of 135' going all the way down, plus that, that specific foundation.

If you don't have any questions for me at this stage, I'll move on to the next set. It's exactly the same sections that were provided, however, they have, they contain a different set of measurement. I call this one the perceived height measurement. It was simply too much to put on one sheet so I decided to do two sets. I, I'm not trying to waste nine sheets of paper here, but I thought it would be appropriate to look at if you're standing out here what will a person be looking at. So I added most of, most of these measurements. I added the ones that I thought were most relevant, and I could add any other measurement that, that we might need on the spot.

And we go through the same exercise on these sections. For example, if you're over here in the back of Building 4B, we're looking at 100 feet because the excavation, the substantial excavation takes place on this back side. You're looking at 100 feet. This, all of these exhibits show how the applicant does comply with the height parameter as measured from that MBH, maximum building height, from natural grade. As you can see they drew all these boxes over here, here's a good example, to show you how towards the end there was a maximum top elevation that they could not go over. And then this line, this red line simply follows the exist, the existing or natural grade right below it, depending on its specific category, whether that 35, 35, 45, 55 and so forth. The difficulty is that as Staff, as we've looked at the original Master Plan and that original intent as I currently showed you, it did not have that substantial amount of excavation, which is different from what the applicant is proposing in Refinement 17.2.

The original Master Plan, and I'm going to go back to it, it obviously did have excavation. I'm going to go to the building section. The excavation was tucked in towards the front of each building section. Most of those floors---I'm not saying all, but most of them would reflect the---for, for example, for the Creole, Creole Gulch site would reflect the approximate, not the approximate, but it would reflect the five levels of parking. It's not labeled as parking, but if we put the two plans together we would get that. If we go back and take a look at the sample elevations, yes they did have some excavation as indicated here. The excavation for the Town Lift Mid-Station site, Building A is toward the middle. We have this same pattern shown for Creole Gulch. It's toward the middle of the lot---not the lot, I'm sorry, of the building that we have this flatter area that would require that, that excavation here. But then, as you can see, and I, I will be more than happy to zoom in, these ones here, this is MBH. I'm sorry, not MBH, but natural grade, which, which, which establishes the MBH, the maximum building height. But towards the end of each building as you can see here, it comes back to existing grade and final grade become the same towards the end of each, towards the rear portion of each building. Which is completely different from what is being proposed, as they are showing this huge cut, if you follow the hand on your screen. And then it comes back up creating the cliffscapes.

Commissioner

Phillips: So they, so these, the Woodruff drawings basically honor the land.

Planner

Astorga: They, they, I would say that they do a much, much, much better job with that, as shown on here. And, and we can take a look at any other exhibit that you'd like. But that was the emphasis that we wanted to make. We didn't get to do this two weeks ago in our analysis. And this is what we wanted to do, and that's the basic different. We can go ahead and compare the current site plan to the concept site plan.

And something that I can't emphasize any more is that if we were to pull the 3-D rendering of Woodruff, again the site plan and the building section, that is a concept that has yet to be mitigated through the conditional use permit. So I'm not saying that they have to provide exact boxes that match approximately these sample elevations as refined or amended. But we still have to go through the process and, and go through the criteria for the conditional use permit, as that was the agreement, and that was how this Master Plan Development process was set up back in the, in the '80s as it had to come back.

So to wrap things up, unless you have any questions for me, we can go over any of the identified measurements that we found in the analysis that we provided on page 158. This is the assessment portion. I spent more time on the most significant one, which was Building Section S.8, which is that 400' plus 135' feet going up. And also we just want to go over just the fact that the, the Master Plan did not have these, the massive cliffscape approach that is currently being proposed.

The other portion, going back to the site plan, is that we have these---for Creole Gulch we have these three wings. And it didn't, it didn't specify a plaza area or a swimming pool area, which is currently being proposed by the applicant. I, I am not indicating that a swimming pool would not be allowed. I'm not saying that. But I'm saying that because it didn't spatially place one, now that the applicant places one it tends to push buildings towards each side as you have to---obviously, it has to be on flat land, on flat area. I believe that that's a portion of why the deviation from the original plan.

Another example is that the Creole ski run literally went through two buildings as shown on the site plan. If you could follow the hand, this is it. And it went through this small narrow portion of the building that was more of a hallway connector from the porch, from the front of the porch into the rear, going through the building, through this Section D and also Section

E. The current plan does not show that. It, it obviously does have a ski run, but it goes through the middle of the development, not, not through the building. And that's what I'm showing you right now. This is Sheet SP.1 from the 17.2 refinement. And I also took the liberty here of outlining the building area boundary so we could further indicate or show it. I do find that this is a better, it is an improvement from the 2009 version, as the 2009 version had two additional buildings placed about, about here behind 5C and 5A. The, the issue is that because of the flat area, specifically addressing Creole Gulch, also addressing the safety component for skiing, which is the wider the better as you're coming down, it still pushes these 5C and 5A buildings towards the rear of the building area boundary, which a substantial portion of the cliffscapes does take place in and out of the area. On the Mid-Station, Town Lift Mid-Station they were able to, as you can see here, pull all those buildings--- I'm sorry, all the cliffscapes in, in, in this area. I believe that was an area of concern that, that we have. So we do appreciate the applicant, not just hearing the Commission, but also hearing Staff, as we identified this a while back.

Commissioner

Suesser: Francisco? So they were able to avoid the cliffscapes in the earlier plans because the excavation was taking place in the front of the buildings and not in the back. And taking place in the back of all the buildings at this point?

Planner

Astorga: Yeah, looking at the exhibit.

Commissioner

Suesser: You, you said it wasn't a cliffscape approach. And I just want to---

Planner

Astorga: Right. It was not a cliffscape approach. It, it---I would agree with that statement. Most of the excavation did take place towards the front of each building. Trying to show you again. These are the cross sections. I believe there's a reason why someone went in and rendered these areas in red. I do believe the correlation is that's underground since we established that this line right above that red area is supposed to be natural grade, as it would be reflected in the height analysis. So most of the excavation takes place towards the front of each building. And looking at the sample elevations, I would also say that towards the middle there's

some excavation. But I, I don't see any excavation towards the rear of the property. Or, I'm sorry, cliffscape towards the rear of the property. I, I would like to change that. Obviously, there is retaining. The building is retaining itself. And there is excavation, but it's not the cliffscape approach.

Commissioner
Suesser: Thanks.

Commissioner
Thimm: So, Francisco, is, is there any place in the exhibits---I'm looking at like Page 2 of I think, it's Exhibit H. Is there, is there any place that defines an area of disturbance line?

Planner
Astorga: You're specifically talking about the graphic portion of the Master Plan?

Commissioner
Thimm: Yes, any place.

Planner
Astorga: Yes. The---Sheet 22 for example has got this---I'm showing it on your screen right now, has got each area labeled building area boundary. And that's what I---

Commissioner
Thimm: Are we saying, are we saying building area boundary equals area of disturbance?

Planner
Astorga: Yes.

Commissioner
Thimm: Okay.

Planner
Astorga: So on Sheet 22, on both sites they called it building area boundary. I apologize, this is blurry. On Sheet 28---actually let me go back, they called it development boundary. The Master Plan indicated that the limit of disturbance would be resolved at conditional use permit stage. And I'll be more than happy to show you that specific reference. There's a

section towards the, the end of the Master Plan, which I have in front of us. It's identified as major issues. One of them is disturbance. It talks about the eight different scenarios. Obviously, we're only dealing with one here. And we could read it if you'd like, but I would like to go to the very last sentence. It says, "general development parameters have been proposed for Master Plan approval, with a detailed definition of limits of disturbance deferred until conditional use review.

Commissioner

Thimm: Okay. Thank you.

Planner

Astorga: I'll be more than happy to move on from this exhibit. I don't have any others to show you. I see Commissioner Suesser looking at it so I don't want to move it without her being done.

But before we, we wrap up, we just want to reiterate, as written on the Staff report, we do find concerns that the cliffscape approach is completely different from what was shown on the Master Plan. Also, the building sections are not the same. The reason that they're not the same is because it's a different site plan. It's not the same, the same site plan. We could have the applicant provide the same building sections to help us with those, but they may not be helpful. As they produce these architectural drawings, the building sections, they're supposed to show us the most amount of information in that, in that section, in that cut. So that's a concern that, that we have with the application given. And also the excavation that's being proposed.

Bruce, is there anything you think I, I need to add as part of the presentation?

Director

Erickson: Well, there's just, just a couple things. As you can see, Francisco's done a real detailed comparison between the Master Plan drawings, Woodruff, and Version 17.2. There are two steps going forward on this. One is Planner Tyler and myself are synthesizing this so you can do a side by side comparison and the difference between the two. Planner Astorga is going to go ahead and put that same chart you saw last time together with the number of unit equivalents, square footage by unit types, so you can also compare between the Master Plan and Version 17.2. So those are two of the items going forward.

The, the other items in here that---Francisco, you might want to talk about the difference in detail and the allocated spaces question on packet page 160. And you'll also see some additional research that's being conducted on the change and the constructability plan from the conveyor system to the mountain road access. So you see that in the Staff report. All of those things are moving forward for the November report.

So did you want to ask that question, Frannie? Thank you.

Planner
Astorga:

Yeah. Yeah, so as Bruce indicated, Refinement 17.2 we, we broke that down by each specific use. We're going to further add below grade---above grade to that. So we're working on that. So other than adding that to our, our breakdown of density, as broken down by residential, commercial, accessory space, parking, meeting space. Other than breaking it down by underground, are there any other features that would be helpful for the Commission to see?

Commissioner

Phillips: Could, is there any way since you have this all scaled, to give us a rough idea of the area of the cut in, in a numerical form? The area of the Woodruff cut, certain sections. Basically the façade above ground is what I'm looking for. Whether it be this section. So you could go through and I think you could, you could go around and figure out an approximate area of the face of, you know, a section, and then go to the---give us a comparison of the area.

Planner
Astorga:

Sure.

Commissioner

Phillips: Not just heights and widths, but what is that number in area as well.

Planner
Astorga:

Yeah, the, the diff-, the difficulty I have with the sections, and we're looking at Section E right now, is that it doesn't tell me where grade is. It only tells me where grade is at that section. I don't know if, if that area is below or, or above it. So my best indicator I have for that would be the sample elevation. Because of the topographic features---

Commissioner

Phillips: Yeah.

Planner

Astorga: You get it. Because of the topographic feature grade could be above or below. I---there's no way of knowing that. So my best indicator would be using the sample elevations.

Commissioner

Phillips: Yeah, but something, you know, something to kind of give us a, just a, you know, I know it's not going to be exact.

Planner

Astorga: And it's---

Commissioner

Phillips: But just so we have sort of idea within a, within a certain, you know, margin of error.

Planner

Astorga: We will try for that. I think the margin of error might be a little bit bigger, based on the fact that for sample one of these, it's not a straight section. There's a turn in it.

Commissioner

Phillips: Yeah.

Planner

Astorga: So.

Commissioner

Phillips: Yeah. No, I can understand how complicated it would be so.

Planner

Astorga: I mean we could---

Commissioner

Phillips: Yeah, take a look at it and if you can find something, some way. Even if it's, even if it's, I don't know. I guess I'll, I'll leave that up to you if you feel like you can come up with something. But I think it would be, it might be helpful.

Planner

Astorga: And it would be more of an area. Like a coverage factor, right?

Commissioner

Phillips: Uh-huh. Yeah.

Planner

Astorga: Is that what you're looking for?

Commissioner

Phillips: Yeah. I mean, that, that's a mass. It kind of gives you a number to a mass as opposed to even just a length.

Planner

Astorga: Right. It's length times width. That's what you're looking for.

Commissioner

Phillips: Yeah.

Planner

Astorga: I think that's doable.

Commissioner

Phillips: Finish the equation.

Planner

Astorga: Right. I think, I think it's doable. But, but it's not doable from the building sections. It would only be from the sample elevations.

Commissioner

Phillips: Well, and I think that that, ultimately, that's the most important is the elevation. That's the final product. That's what we're all going to be looking at.

Commissioner

Suesser: You might have covered this in what you said you were preparing for the next meeting, but I think it would be really helpful to see a comparison of what their proposed excavation is, either laid on top of or side by side, against what the MPD excavation showed. That would be really helpful to me. And, well, that, that's it.

Planner

Astorga: That's pretty much---

Commissioner

Suesser: Or, or---excuse me. Or proposed. You know, if, if you don't think that the Woodruff drawings or the MPD showed specific areas of excavation, what would be reasonable ex-, or what would be what you would expect to see in those drawings. Okay? Thanks.

Chair

Strachan: Yeah. You know, related to that, I wonder, Francisco, how you interpret the MPD. It's got some clauses in it. For, for instance with the Creole Gulch site it says, "As conceptually proposed in excess of 80% of the building volume is within a 75' height envelope measured from existing grade". So your interpretation of that clause as it applies to Commissioner Suesser's question of what is the reasonable excavation, I would like to see. It doesn't say what percentage of the building is presumably above grade and below grade as to the Mid-Station sites. But we do have some excerpts here and there of the MPD that talk about how much percentage-wise the building is supposed to be above existing grade. That's on page 9. And then I can find the others, but that's the one for the Creole Gulch site.

All right, Commissioner any more questions? Let the applicant go forward? Okay. Great.

Jeff

Mangum: My name is Jeffrey Mangum. I'm a lawyer at Parsons, Behle and Latimer. Beginning in the early 1990s I began representing the Sweeney family in conjunction with their efforts to develop the Town Lift Base, which was one of the earlier phases of the project anticipated by the Sweeney Master Plan. I asked Pat Sweeney for permission to speak tonight to register MPE's concerns regarding the handling of the 1985 Fact Sheet, which was the subject of extensive discussion at the hearing two weeks ago, and regarding the inability of MPE to timely receive documents from the City, which documents would help us answer some of the questions that have been raised two weeks and tonight.

On August 22nd of this year, the applicant submitted a GRAMA request to the Staff, which specifically requested the Fact Sheet and all other

documents referenced on the first page of the 1985 revised Staff report. Either in connection with the Staff's effort to gather up materials in response to that request, or perhaps in conjunction with some other effort of the Staff to get a grasp on what records it has, Planning Staff recently located the Fact Sheet.

Staff then introduced the Fact Sheet in its Staff report delivered to applicant just two days before the last hearing. As we sit here today, the applicant has received no documents responsive to the GRAMA request filed on August 22nd, even though the applicant granted the City a 30-day business day extension beyond the original 10-day due date mandated by the Statute.

Given the concerns expressed by the Commissioners relating to the fact sheet appearing two weeks ago, MPE wants to clarify document production responsibilities. The Sweeney's conversations with the City concerning the development of Treasure Hill actually began in the late '70s. There are without a doubt thousands of pages of documents in the form of correspondence, emails, formal presentations, informal presentations, Planning Commission minutes, and work session notes and the like that have generated or that have been generated in connection with Treasure Hill and the Sweeney Master Plan.

If the City was concerned about having all the documents referenced on the first page of the 1985 Staff report it could have once again instructed appropriate Staff to search its files. I say once again, because this issue has arisen before. The Work Session Notes of the Planning Commission session held on January 7, 2009 states as follows, and I am quoting verbatim, "Commissioner Strachan stated that he and Commissioner Petit were never given a complete MPD document, and he did not think it was available on the website. Mr. Sweeney stated that at the time of the MPD approval there was only a Staff report and the exhibits, and those are all on the website under History. Planner Cattan noted that there are two large folders of MPD documents that reflect everything that was done throughout the process". The actual document is a Staff report and the exhibits. Continuing the quote, "Commissioner Wintzer noted that several of the documents reference other documents, and he wondered where they could find these referenced documents. Mr. Sweeney replied that some of the documents were 40 to 50 pages and involved several different versions. He was willing to put those documents on the website if the Planning Commission wanted. Mr. Sweeney

explained that after the 1987 amendment, which took away three houses and brought the ski run down to Woodside, they went back and updated all the drawings at the request of Nora Seltenrich. He presented the drawings posted on the website and noted that those drawings are the essence of the approval. Commissioner Wintzer stated that the Planning Commission could not go through documents on a website. They need to have an actual report from the Staff and documents in a book that can be reviewed and referenced. Planner Cattin stated she had worked off the Staff report and offered to provide a full copy of all the exhibits to the MPD for each Commissioner. Commissioner Wintzer felt that would be adequate. The Commissioners concurred". End quote.

I do not blame Commissioner Strachan for not remembering a conversation held in 2009, nor do I blame any member of the Staff for not remember or being familiar with that conversation. The record is clear, however, that in 2009 Pat Sweeney offered to post MPD approval documents to the website, but the offer was declined.

At the end of the day, the City is responsible for keeping track of its original approval documents, not the applicant. And more importantly, the applicant does not agree with the spin on the Fact Sheet given by the Staff in a Staff report two weeks ago. And the applicant is preparing its response. Meanwhile, it does appear that according to what Planner Cattin stated in the January 7, 2009 Work Session, there are quote "Two large folder of MPD documents that reflect everything that was done throughout the process." End quote. Whether these folders truly reflect everything about the process, I don't know. But the applicant repeats its prior request that it promptly be furnished with these materials, because it certainly appears as though the Staff has them. And we don't know why we have not been timely furnished materials that may be relevant to our response, both with respect to what was said two weeks ago, and what Francisco is saying tonight. Thank you.

Pat

Sweeney: Francisco, can I get the connection? Pat Sweeney talking for MPE, the applicant. And David Eldredge is here with me, the architect that's been involved over the years. Give me a minute to let, hopefully let this come to life here.

As Jeff pointed out, we'll respond to Francisco's presentation tonight later. We won't, we might touch on parts of it. I would, I would like to say for the

record that I'm not sure what Francisco was doing 30+ years ago, but I was there. And his [inaudible].

Chair

Strachan: Watching what Francisco was doing---

Pat

Sweeney: The story he tells is simply just not what I consider to be the accurate story. I think he's doing a great job of it, but he's reading a lot into it that simply was not the intent of what was going on.

So tonight if we can get this to work. There we go. It's amazing. We're going to talk about a related item, which is architecture, that we think makes sense for Treasure Hill, and which we think is compliant with the Master Plan. And prior, prior to that we're going to do some shorter items very quickly. They haven't changed. I just want the members that are currently on the Planning Commission to be aware of these things.

The, the main subject of this particular portion is employee housing. And back in the early days of this CUP application we were told by---through communi-, a written communication by Mark Harrington that we would be required to adhere to that standard, which is the 1988 version of employee housing. We applied in 2004. There were conversations with the Staff at that time, and we agreed to apply with a more recent version in 2007. That version of employee housing allows fees in lieu of. We proposed to develop approximately 6700 square feet of space on the site, which we, which David Eldredge designed. And then in, in addition to that, lieu, fees in lieu of. These fees based on the current drawings would be approximately \$3.5 million in addition to that figure there. The ultimate fees would be determined by a fairly detailed process at, at the time of building permit. The approximately \$2 million is the difference between this Code and that Code, and so we agreed to, to---ultimately to sum it all up, we agreed to these two, two things. That on site, and that approximately in the bank for employee housing.

The location of that employee housing is shown on the first three sheets of David's drawings; P1, P2, P3. And there's three stories of employee housing right there. That's where the roughly 6700 square feet is. If you look at the site, the location of that employee housing is right here. And it's a little hard to see, but there's---in, inside that circle is the---in this

building right in the middle behind that tree is where the 6700 square feet is located.

That concludes what I had to present to you about employee housing. That has not changed since 2009.

The next item has to do with a request that we received way back when. And it's the economic impact of the project. It's fairly easy to read, but the annual property tax is \$8.3 million; annual sales tax \$4.1; the new lodging tax approximately \$400,000. And some relatively minor numbers; business license fees, annual franchise tax. The estimated tax in today's dollar, in today's evaluation, today's, you know, levy, etc., is about \$13 million. \$12.9 million.

The next item is one-time building fees. The estimate if we built today would be \$8.6 million. And fire and sewer impact fees would be approximately \$3.5 million. A total of those one-time impact fees would be approximately \$12 million. There's an error on the number there that has 341. That's a number of estimated employees. That's just an error on my part. That's not dollars. That's 341 estimated employees per 24 hours when, when---at high season.

There is quite a bit of documentation that goes behind the spread sheets, etc. My brother, Mike Sweeney, spent a lot of time, the first time and the second time, and he has revisited it in the various districts. And the people that track these kind of numbers in the City. And I think this is a good estimate considering the level of design we have.

The, the next item is more complicated and is relevant to what Francisco talked about. Architecture. We thought that we should go into some more detail trying to explain what, what our thoughts are. We've done this a number of times but it doesn't hurt to do it again. It really addresses the requirement of the Sweeney Master Plan #6, which has to do with conformance to the Historic District Guidelines. And then we, we threw in the corollary, which is there's---in addition to that there's certain proportions, distances, etc., that are built into the Code that are under the terms Architectural Requirements or Guidelines.

The basics regarding the Historic District Guidelines, which admittedly is a very subjective thing, which I think if anybody knows that it's the people I'm talking to. But I think that we all have a sense of where we want to go.

How we get there, that's, you know, that's debatable. The basic goals back in 1984 when the Historic District Guidelines were created, under which we applied for the Master Plan, I think still pertain today. The Guidelines have been updated but it's, it's---don't think it's been but several years. It's well after we applied, and certainly well after the Master Plan was approved. The fundamentals that were emphasized back in that day were reflect but don't replicate. Respect proportions and patterns, colors, materials and variety. There was an emphasis on variety. And, and I'm going to show you some photos in a bit that, that take you through the time periods in Park City. And one thing that we had a lot of was variety.

This, these slides are worth reading. It's, it's a way for us to describe what we think we went through. And hopefully you all can relate to that. The goal was to create in our development a mixed pattern of---consistent with the Historic District. And in contrast to Woodruff, at the time that we started to talk to the Staff about this project in the early 2000s, they were not enthralled with Woodruff. The Staff became enamored with Woodruff in 2009. The previous Staff didn't show that love.

The---we, we tried to create a mix of building footprints; typically, smaller footprints near existing neighbors and larger towards the back. A variation of building heights. Locate the lower buildings adjacent to existing neighbors and move the taller buildings further back, particularly in the Creole Gulch. In the north, or the westerly corner, the Mid-Station. That's the corner by the lift.

The architectural style influences range from very eclectic historic residential, mining, commercial, large residential. And as I'll show you in some of the pictures, we mixed some of the contemporary elements in individual buildings to break up the mass. And I'll show you some buildings that do that that have been recently constructed that we, we like. We used different roof types, gables, shed, similar to the typical residents historically. Flat roofs on taller buildings similar to this building, for example. And some of the new buildings on Main Street.

The architectural style, form and massing. The---we applied frequent steps and variations of alignment. Made sure the taller facades were consistent with the official requirements, which require certain step backs and certain massing. We substantially stepped the upper building masses, the taller building, to mitigate the perceived height; especially as

reviewed on the ground off-site. And we used sloped roofs on lower buildings and took into consideration snow shed.

The Chief Building Official, when we went through the initial design process, did not like the idea of having pitched roofs on tall buildings. And we agreed with him. So our tall buildings don't have pitched roofs. This mitigates the risk of snow falling upwards of 100 feet.

The windows were selected to reflect the patterns in this historic district in different types of buildings. And we'll go through some examples. The exterior balconies were all sorts of varieties, contrasting materials, railing treatments. Once again to, to reflect the variety in Old Town as opposed to monolithic large structures.

We used screens to enclose the mechanical. The materials, we used classic historic materials. Brick, corrugated metal, stone, steel. And some contemporary elements, particularly in the higher buildings. Glass, reinforced concrete, metal panels. The use---we used a variety of colors, once again to reflect what we saw with our eyes in terms of historic pattern. And we used the, the more, the brighter colors typical of the residential historic district up front, and more muted recessive colors in the back.

So I'm, I'm going to show some photos and some renderings here that--- and talk about some of these concepts. And if you want to ask questions then that would be great. This is a photograph that predates the Coalition Building. It's probably the 1880s. For people that may be don't, aren't familiar with the history, this is actually the Marsac Mill right there. That's where we're, we're sitting right now. That originally was a Mill and then became a school. This is the, this is the Ontario up there. This is where eventually the trains came into town. I think even back then, I just want to make the point, that there was a lot of variety. What you don't see early in in Park City, and this is 1880s, you don't see a lot of flat roofs. They came later. But you certainly see a lot of variety in terms of residential versus industrial buildings. This is from the same era. And just the Ontario Mill. And that's, that's located where Hillside Avenue turns off from the road that goes to Empire Pass. And this is Daly. Once again here's a lot of contrast in terms of the building size. Industrial versus the residential. This is a picture of the Hillside at, at approximately the early, early 1900s when the Coalition Building was built. And at that point in time there were two railroads that came into town. And the Cre-, the

Creole Gulch had some mine, mining going on. Once again, in this picture you see the variety of scale for certain---and the proximity of industrial to residential and vice-versa. And it demonstrates that our property was no stranger to disturbance either.

So let's fast forward to today. This is the Marsac Building and as I mentioned, the flat, the flat buildings, they, they started showing up after the big fire, principally, and that was near 1900. And I think that was a matter of practicality at that point in time. It just made more sense to have flat roofs, particularly with snow shed problems even back then. These flat roofs and this large square building that we're sitting in right now are mixed in with some very historic buildings and some newer buildings that are, that are built to reflect those. And this just shows the kind of variety that Park City can have.

This is an example, we think a very good of a building that is large and reflects the character of Old Town. It's the Sky Lodge. Craig Elliott gets credit for that. We think he did a tremendous job on building a contemporary building that felt right and does feel right today in the Historic District. And we think this is---not, we're not going to mimic this, but the character of this concept is the type of thing that David's employed. And I don't know, David, you might want to speak up. But there's, there's certain elements. Like you have, you have this piece here that's one piece. And then you have the taller element that's a different---it goes, it definitely matches but it, you know, it's treated differently architecturally, and that breaks up that building.

David, do you want to say anything about that concept? Do you have anything to say?

David

Eldredge: Nothing specific, other than that's the concept that we've employed throughout the buildings is to try to incorporate variations not just between buildings, but within each building to help minimize the perceived mass. I will say that unlike the Sky Lodge, we could not use the heavy timbers because of our remote location. We---our materials need to be, would be built to the standards for high-rise construction, which prohibits those kinds of materials.

Pat

Sweeney: Here's another photograph from today. This shows the same thing, once again. It shows the newer flat roof buildings in the Main Street area. The Main Street Mall, which is that building there. It shows a lot of very historic residential mixed in with more contemporary residential and, I think, highlights the, the variety. This is the building---I think it's 220 Main Street. I might have that address wrong. 205? We think---and I'll, I'll show you an example, but I think this is what David tried to use in the latest version of 1B as this concept of architecturally breaking up the building with, with different treatments and different elements. Do you want to say something about that, David?

David

Eldredge: Well, it wasn't just 1B. It's throughout the project.

Pat

Sweeney: Okay. We, we think that's a good example of how it can be done. This is our materials pallets. It's the same, it's basically the same kind of basic materials that we think are acceptable in the Historic District. Brick, metal. If we have siding it's, it looks like wood. It will be hardy board or similar substance 'cause of the fire issues up there. This is common material. It was fairly common in the early 1900s. Got more common in the '30s. This is the side of the KPCW building down below the Marsac here. Board form concrete. We have a fair amount of that in the project.

This, this is one of our required views in the Master Plan, and we, we think that it does demonstrate that we've done a good job of replicating that variety. And as it's been historically, there's a mixture of big and little, and we don't think that's necessarily or inherently a bad thing. We, we agree with the original Master Plan concept, which is, it made more, it made better sense to do this than a version of Deer Crest next to Old Town. Not that I'm, I don't want to knock Deer Crest, but that's, that was the alternative, basically.

This shows it all together. And if you look at these buildings, this building here I think you can see that technique of breaking up the building with different treatment of different elements. And that, that occurred on--- that's, that's the 1B building, 1C building. These are the 1A buildings. They're more traditional next to the residences. This 2 building that was, that reflects to a certain extent the quality of the Mid-Mountain Lodge or that type of building. And then once again, back further the same

treatment of the bigger buildings that we've been talking about. And once again, that's the employee housing that's located there.

And that, that concludes what we have prepared for you tonight.

Chair

Strachan: Great. Thank you. All right. Commissioners any questions before we open public comment? All right. Just to get an idea of whether we need to take a break first, how many people from the public are looking to speak? Just one, okay, I think---okay, two. Great. I think we can move through public comment and then take a quick break after that. Sound good? Okay. Let's do that. We'll open the public comment on the Treasure Hill CUP. Anyone wishing to speak, please come forward and sign in.

Public Comments

Arnie

Rusten: Good evening. My name is Arnie Rusten. I live at 1058 Lowell Avenue. By way of background my professional career involves over 40 years practicing civil and structural engineering. I'd like to make some comments mainly about what I heard last meeting. First of all, while there were some clarification comments made by the applicant then, I found them woefully inadequate and lacking detail.

Here's a photo of the poster behind me with the Park City Community Vision and Values. One of the speakers at the last meeting made reference to this, and how the Treasure Hill project is at odds with the statements here. I couldn't agree more. This project has no sense of community. It is extremely limited natural setting. I don't believe it has much historic character, and it's certainly not fitting a small town.

This is an excerpt from the Park Record write up after the last meeting. It says, "Critics claim Treasure would overwhelm surrounding Old Town with lots of traffic and large buildings. Looking at this rendering, is there anyone who could really dispute that claim of overwhelming the community. As we just detailed by the applicant, clearly the bits and pieces may have some character, but this complex flat out is much too big.

I contend it will be decades until it looks nice and green like this with the cliffscapes colored and vegetated. Also, it does not at all depict the disturbance you will see from all the rock placement activities in Creole Gulch. Next one.

Here's a winter view with a clear illustration as to how ill-fitting this project is in size relative to the surrounding community. Next one. Here's a blowup of Treasure Hill with the historic Old Town homes overwhelmed by the new architecture. Take a look at the house where this red arrow is. To preserve the historic value and settings of the neighborhood, this homeowner located a few hundred feet away is required to keep this structure. Next one. May would, of course, contend that tearing it down and starting over would be a better option, but in the interest of historic preservation, that is not allowed. Next one.

Here's a statement referring to some of the construction phasing. This is a statement made by the applicant at the last meeting, and also made to the Park Record. I quote. "Blasting would be quiet and essentially imperceptible to the neighbors". It is called blasting for a reason. No matter how you cut it, it is loud. And besides noise, it also transmits ground waves that can be very damaging to nearby structures. I believe the community deserves much more in the form of information from experts on this matter as to how blasting will be handled and what will be done to limit and mitigate neighborhood damage. Until shown otherwise, I contend that these statements are totally without merit.

Noise will be a significant issue for this project. Here's a table with average maximum noise levels at 50 feet from a common construction equipment and processes. You see blasting listed at 94 decibels. Construction equipment such as dozers and excavators is above 80 decibels. Next one.

The site will be filled with heavy construction equipment like you see here. Rock driller, excavators, dozers and front end loaders, jack hammers, rock crushers, trucks, articulated trucks and bulldozers to name a few, all capable of generating noise of 85 decibels or more. Next one.

And here's a table that will give you an indication as to how the noise levels dissipate the distance from a source. So you can see that a 95 decibel source, even at 400 feet is still at 77 decibels, and 800 and so on. It will be a little clearer here in the next one where you see the site. I have

shown here some of these impact or, or noise reduction zones. Here you see, for example, in the red circles is 400-foot radius circles, at which point then these noise of 95 decibels go down to 77. The blue circle is an 800-foot radius where the noise level goes down to 71. And the green circle is the 1600-feet. The blue circle takes us down to Main Street. Noise impacts will be significant. And of course, if you say this is from blasting and it's a very short duration, well, I say that's okay. I know that a collection of your heavy equipment noise will be nearly as loud, and of course continuous. Main Street will easily see 65 to 70 decibels. Next one.

To put that into perspective. Here's a table of typical noise levels and possible human reactions to that. Responses here ranges from intrusive at, at 60 decibels to annoying at 80. At 70, which would be down on Main Street, it will be difficult to use a telephone. Could you tolerate this noise? Of course you can't for some time. You can't, obviously, put a stop to any and all development, but it needs to be reasonable. Is putting up with these noise levels five days a week for eight months, April through November, for six years or more reasonable? I certainly don't think so. Next one.

I took a trip out to Brown's Canyon, and I took this video, which unfortunately, it doesn't play. But I can play the sound for you. This is a rock crushing operation and I measured the noise level at 200 feet from this at 89 decibels. It carried a lot. I went out 1,000 feet and it was at 74 at that point. Next one.

Just a few comments on the phasing, staging, and construction statements. This is pure fluff. Pay attention to what is going on. What kind of statement is this relative to a phasing plan? Everybody should pay attention to what's going on. And then do what? Here you say, pay attention to what's going on. Weather, number of trucks up Lowell, and then what? There needs to be much more focus on presenting a plan with specifics and details, including time lines. The only detail here is this new five-foot flex space on the uphill side of Lowell Avenue. Next one. Which, I guess to some degree, is one of the few answers relative to the questions posed by Commissioners. Commissioner Joyce asked what would happen when two trucks met. I guess seeing this here, this could be an answer if you could have these turnouts and provide these spaces. So maybe this is for once something that's responded to relative to questions. Next one.

Here you see the flex space already being used as parking. And I show say that while there are several areas that could be used, there are many that can't, including this space, which in all likelihood---or could be part of this Crown Point project if that goes ahead. There are several obstructions such as fire hydrants, manholes, stairs, and also steep slopes. Next one.

I'd like to make some comments relative to the vegetation impact. I agree as stated here by Nicole Deforge that this project would obliterate much of the vegetation. This is with respect to the disposal zone. Next one.

Here is the material placement, which will be in Creole Gulch using heavy trucks on haul routes and distribution routes as depicted here. Next one. This is a photograph of the Creole Gulch placement zone. The next one.

All the trees within the red zone they cut down to make room for what I believe will be over 1 million cubic yards of material. I have previously stated my disagreement with a 20-25% swell factor. I believe it will be more than 40%. So by my calculations, that is approximately 1.1 million. 1.15 million cubic yards of material to go up on this site, on this green haul road and the black distribution roads. Next one.

It's proposed that that is moved up on the hill by these off-road articulated 30 cubic yard trucks. At a rate of 50 cubic yards per day, this will require 50 loads per day. This will be a very busy, and as I said, noisy site. Next one. The truck is approximately 11-1/2 feet wide. It will require a significant road. Next one.

The construction of the haul roads and the distribution roads will be quite a significant civil road project in itself. You're dealing with very steep slopes. And there will be also switchbacks on these roads. There will be significant clearing of existing trees and vegetation to make road---make room for this road system. Next one.

As I said, a production rate of 1500 cubic yards, in my calculation of 1.15 million cubic yards, total time is 767 days. April through November, five days per week. This will take nearly five years. Counting for site preparation and site cleanup, probably six years or more. And then, of course, you have the additional finish up construction of all the buildings.

At the last meeting Neals Vernagaard appealed to common sense. While I don't live as close to the project as Neals, I speak for the community in asking the Planning Commission to please do not allow this to be as Neals stated, "a living hell". The project is much too big. It will take much too long and have much too big of an impact for this community.

Thank you for the opportunity to speak.

Commissioner

Suesser: Thank you.

John

Stafsholt: Hi, this will be quick. John Stafsholt, 633 Woodside. First, I wanted to follow Arnie because he shows really good data and he has the credentials to back it up with his history and his engineering credentials. Most of you guys probably don't know, but I'm a petroleum engineer from Colorado School of Mines is one of my degrees. And so that kind of backs up some of the things I've said. It's also kind of interesting. There's one other CSM Engineer the room and that's Mike Sweeney. So, it's just an interesting note. I'd say quickly, in my career I've done drill and shoot work, which is what we're talking about with the cliffscapes here. It is a science. I would agree with that, but it's certainly not quiet, and it's certainly not safe. Please note that the few test holes that Sweeney's drilled last month took a number of weeks just to drill those three holes or two holes, several weeks. And there will be thousands, not exaggerating, thousands of those holes drilled on this site with the current project as we see it.

A couple of other points. I just want to reiterate that we still have no word on toxic soils remediation. No word as yet. The environmental and the excavation are totally out of line with Old Town, the neighborhood and what was originally envisioned. A couple of key points that I think are still not addressed. They're still building outside of the limit of disturbance. And now, as of two weeks ago, we're going to move hundreds of thousands of cubic yards of soil and denude open space, which is in the ROS open space zone, which is not allowed and that's new. Another thing from the original approval showed the ski lift, not a Cabriolet, and another lift. And that's another change that, that's critical and important to the project, the phasing and the mitigation.

Last thing I'd like to say. Congratulations to Francisco. I think that Staff report is about the best I, I can remember. It really shows a good relationship of what was envisioned and what was thought to be approved versus what we're coming back to. Every time it's just out of line with it. It shows the unreasonableness of the Sweeney's current project. And I'd also like to remind everyone that back in the MPD approval process back in '85, there's an absolute requirement that if you come back with material changes to a project you have to reapply. And I think what you're seeing here compared to Woodruff and what we're at now, you might say is a material change. And there might have been four or five of them over the last 30 years or so. And I still don't know why they never had to reapply for this. Anyway. That's all I'm going to say. Thank you.

Chair

Strachan: Thank you.

Nikki

Deforge: Nikki Deforge, speaking on behalf of THINC, a non-profit organization comprised of hundreds of Park City residents and businesses. In the October 11th and October 25th Staff reports the Planning Staff correctly identified more than a dozen areas where the applicant's most recent site plans, which are labeled as Refinement 17.2, quote, "Substantially deviates from the Master Plan" and quote, "does not align with the original intent of the Master Plan." And these includes the following; a different number of building and a different location for those buildings than approved in the Master Plan; use of retaining walls or cliffscapes not reflected in the Master Plan; location of retaining walls and cliffscapes outside of the building area boundary as established in the Master Plan; inclusion of flat oriented amenities like plazas and swimming pool that was not approved in the Master Plan; substantial regrading of this site that was not reflected in the Master Plan; and substantial excavation beyond what was reflected in the Master Plan. There are also significant cuts towards the rear of the building, which were not approved. Buildings with cuts from existing grade that exceed the cuts reflected in the Master Plan by three to nine times. Fill zones that are different than those reflected in the Master Plan. Excavation debris to be hauled to those to those fill zones over new roads to be built into the mountain rather than on a conveyor system, which is also not consistent with the Master Plan. Building sites significantly increased from the Master Plan. And double the amount of support commercial space approved---than what was approved in the Master Plan.

And additionally, at the last meeting THINC addressed several other areas where Refinement 17.2 did not comply with the Master Plan Approval. Namely, the proposed roads and fill on the property dedicated as Recreation Open Space is contrary to the Recreation Open Space designation, and also the conditions of the Master Plan approval as it will not, quote, "preserve the mountain substantially intact and pristine", and will not, quote, "avoid cutting and removing significant evergreens existing on the site".

Also, the term lobby space as approved in the Master Plan is synonymous with the terms accessory, circulation, common space, as used in Refinement 17.2. And the square footage requested for that accessory circulation, commercial---or excuse me, common space, greatly exceeds the approved square footage for lobby space in the Master Plan.

Again, the first step in the Commission's analysis here must be whether the current plans comply with the approved plans. And this step needs to be kept purposely separate from the issue of, of compliance with the CUP criteria and the related issues of impact and mitigation, because they're not the same thing. And in this latest Staff report alone, we have again over a dozen areas where the current plans do not comply with the approved plans. And because the current plans do not comply with the approved plans, the application cannot be approved as a matter of law, no matter what the impacts are, and no matter what mitigation might be proposed.

As John mentioned, if we have material changes they need to go through the process again. And to the extent that any of this is a condition of the approval is what was approved. If the current plans don't comply with what was approved, then we don't have anywhere to go as far as impact and mitigation goes. But then, of course, moreover, if any of this stuff is allowed to go through even though it doesn't comply with the Master Plan, these are all changes that have impacts and all that have to be mitigated. And we still haven't seen anything that would possibly mitigate the tremendous and material changes here that we see to what was approve in the Master Plan.

As for these exhibits that we have talked about to the Master Plan, the applicant surely had notice in the Master Plan approval as follows: The following plans and exhibits in addition to this report, and the project file,

constitute the complete development permit. And it goes on to specifically call out all of the exhibits, including Exhibit 2 that we talked about a couple of weeks ago and that the Planning Staff went through in detail as did THINC. It also references Exhibit 3, the Sweeney Properties Master Plan application. Now, regardless of what has been provided by the City through a GRAMA request, at the last hearing we were told by the applicant that they had these documents. They had Exhibit 3. They had Exhibit 2. They knew what was in the Master Plan Development approval stating that those were part of the development permit. So again, regardless of what's been provided or not in this GRAMA request, there's no prejudice here because they had these documents. They knew what was required of them, they knew that it constituted part of this permit approval.

And also at the last meeting, we were told by the applicant that they had Exhibit 3 and would provide a copy of that to the Commission, and we still have seen that. We'd like to make sure that that stays high on the, the attention level of the Commission. And we look forward to receiving those documents and being able to review those as well.

A few comments about the employee housing and affordable housing presentation that we had here. I think it's important to keep in mind that the numbers that were required of the applicant were based on a certain total square footage, a certain amount of commercial space, and therefore, a certain number of anticipated employees for those spaces. And what we have now is magnitudes greater than what was approved for all of those things. And so to come and say we have fully complied with the affordable housing and employee housing requirements, while doubling the commercial space and purported the number of employees as well, and dramatically increasing the total square footage of this place without doing proportional increases in what's required for the affordable housing and the employee housing, is simply not consistent with the intent of this things. So, again, if we're going to let them double the support commercial that was approved and dramatically increase the total square footage, then those other requirements need to be doubled and proportionately increased as well, in order to really provide what is needed for employee housing and what is needed for affordable housing or some sort of equivalency.

On the issue of architectural compliance. This is more than just we have similar colors or we have similar pitched roofs. What you don't see in any

of those pictures is anything of the mass, scale, height, size of what we're going to have in this Treasure Hill project, and what was approved originally. We don't---in the original we were looking at going below grade 14 to 24 feet. Here it's 47 to 135 feet. We've got, we've got maximum building heights of 75 feet, and now we have well over it looks like 150 feet on some of these things. So, again, look at the pictures that you're seeing. Look---is there anything comparable to this in Old Town? Is there anything comparable even to what we've got in the Master Plan approval, because that's all part of this architectural compliance and consistency, as well, again. Not just whether the colors match and whether the roof pitches match.

We appreciate, again, the Commission's attention to this, and the Staff as well. And thank you for hearing our comments.

Chair

Strachan: All right. Anyone else from the public wishing to speak on this item? All right. With that, we'll close the public hearing and we'll take a quick five minute break and be back.

End of public comment

Break

Chair

Strachan: You know, I guess to start it off, and I'm sure Mr. Harrington is likely going to have something to comment, some type of comment. But I don't believe it's our purpose under the Land Management Code and the CUP review process to determine whether or not the City has adequately responded to a GRAMA request, so we won't be going there tonight. And I urge none of the Commissioners to go there, either. But I will say that Mr. Sweeney did indicate at the last meeting that he did have some of the documents that may be part of the MPD. And to the extent you agree to produce those, we would love to see them. They will guide us in our decision, or not, depending on what they say. But, it's our expectation that if you've got them and, as you said, are willing to produce them, we would like to see them. And I think that's all we'll say about that.

I don't know, Mark, if you've got things you want to add or whatever. I just want to make sure we close this door down pretty quickly before we go down a road we're not interested in going down.

City Attorney
Mark

Harrington: Sure. Just briefly. I think that's fine. Mark Harrington, City Attorney. I did just want to make sure---a little bit of different context for the record to what was sort of alleged that the City hasn't responded at all to the GRAMA request, and that's not entirely accurate. There have been some meetings with some of the legal team to try and bifurcate record issues from other issues and prioritize the response. And if, if that's not being communicated sufficiently through the entire Sweeney team, and we should be working with other people on their team, they can designate whoever they'd like us to interface with. But we're, we're assuming that we're dealing with Mr. Ferrin and Mr. Brandon on those matters, and we're progressing to try and bring those issues to a close. Those have been ongoing and will continue. But I wouldn't say we haven't responded at all. I just want to make sure that's clear on the record.

Usually these things are done way after appeal, and lawyers, you know, establish all this stuff for an appellate record. It's very unusual to have this type of request before and during, but we respect the rights to file that and we are in the process of responding. We're just asking them to work with us on prioritization. That's all. Thanks.

Chair

Strachan: Understood. All right. That will be the end of that. On to the matters at hand. And Commissioner Preston, I'll stray from the usual left to right and we'll start with you tonight.

Commissioner

Campbell: Hopefully I'll be the shortest, I'm trying to live up to my reputation for that. But I think two, two things---my own reputation for myself that is. It's really helpful when members of the public come and offer their comments, in particular, because it guides me into thinking of other things that we want to know. And I especially want to thank the gentleman that talked about having the timeline, because if we want to know how you're going to mitigate an impact, it's very different if you're going to have to mitigate it for a week or for eight years. And so I do think as we've asked for more and more detail that the details of a construction timeline is really important. And to that end, Francisco, a timeline for us would be really helpful, too, because so much of this stuff---I hate to throw another request on to you. I seem like I do that every week, but it would be really

helpful for me because so much of this stuff happened before I was here. To, to have just a one-page timeline that said on this date in 1977 this was applied for, on this date in 1979 this document was granted, and the LMC that was in effect during that application was for this year. You know, a very summary, but just something that we could back to and refer to, because there's a lot of back and forth of well we submitted this under this LMC in this year. And I think it would help. Certainly for me it would help clear up any decision that I'm going to be asked to make if I knew that there was a one-page document that I could jump back to and just see a brief timeline of that. And you can probably do that on a piece of scratch paper off the top of your head, but that would help me a lot. So that's the only thing I've got to ask for.

Chair
Strachan: Great.

Commissioner
Campbell: Thank you.

Chair
Strachan: Thanks, Commissioner Campbell. Sorry I called you Commissioner Preston.

Commissioner
Campbell: [Inaudible.]

Chair
Strachan: You'll just answer to whatever. All right. Commissioner Thimm, you want to go next?

Commissioner
Thimm: Yes, I'm happy to go next. And first names are last names, I have two first names, so.

Chair
Strachan: Well, at least I didn't call you Thimm Douglas.

Commissioner
Thimm: So, I guess I'd just like to start off by saying I, I really appreciate Staff, Francisco, responding to the request that we have a comparison of version 17.2 to the Woodruff plan, which is what I believe to be our

benchmark. So in going through that, and in answer to the Staff question, yes, I do agree that that analysis and comparison was appropriate and, and followed through. And as you said, if it continues with some further follow up, I think that that will be great.

I don't have a whole lot to say tonight. We've been talking for literally months about the changes in grade and the earth change that would happen to the---earthwork change that would happen to the hillside. And a very graphically reported and understanding---we've been talking about this large bench that would be cut, and now I think it is very, very apparent the significant difference between what is being proposed here and what the Woodruff plan as approved put in place. I still am not clear, and I'm very interested in understanding what exactly this Board needs to do with respect to establishing or confirming the area of disturbance line for this project; and whether or not it includes placement of a significant amount of fill up, up the hillside in Creole Gulch that results in so much disturbance of the hillside and the tree scape and that sort of thing. And I'm very interested in understand what Staff's opinion is on that.

As far as, you know, the articulation of the architecture, I appreciate the analysis and that sort of thing. I think we're a long way away, though, from understanding some of the basics of area and massing and whether or not this project needs to be designed in full conformance with the Woodruff plan, which I think it does. And that means that we are looking for a solution that steps the project up the hill, up the mountain, rather than digging into the mountain. So that's what I'm looking forward to.

Chair

Strachan: Thank you. Commissioner Suesser.

Commissioner

Suesser: Okay, I'll start with the Staff report, also. I agree with the Planning Department's analysis of the Sweeney Master Plan diagram breakdown and the Refinement 17.2 assessment. Particularly that the 17.2 site plan still contains substantial deviations from the site plan of the approved Master Plan, and that these changes do not align with the original intent and the mitigation efforts of the Master Plan.

And I encourage the applicant, if they believe that we should not be basing our decision on that original MPD. If you believe it's been amended, then please substantiate that claim and provide us with that,

that documentation. It seems to be alluded to but we don't, we don't know what your, what you, what you want us to base our decision on, if not the original MPD.

Let's see. Also, with respect to---in the Staff report, I would like to hear from the applicant regarding their breakdown of the residential support commercial, lobby, accessory space; of if they now agree with the Planning Staff's analysis of, of that breakdown, that's great. But I think it would be helpful as Staff has requested that the applicant respond to those, those spaces.

I also wanted to mention that during the October 11th meeting, that Troy Thompson for the applicant, stated that the applicant no longer intends to use the Cabriolet to move construction workers and employees up to the site. And I just want the applicant to confirm that, because that was a significant mitigation measure in terms of traffic to the site. That the employees---that, that the Cabriolet would be used and a significant amount of traffic would be reduced because of the use of the Cabriolet. And according to him on October 11th, that was not going to be---that, I think he said, he, he did not see using the Cabriolet for workers. So, I'm hoping that the applicant is prepared to present additional mitigation measures for traffic, you know, in lieu of using the Cabriolet system.

Let's see. I agree that we need more details and information about the blasting and the mitigation of those blasting efforts. The use of the five feet on the uphill side of Lowell Avenue. It may be good for the trucks, but I'm still advocating for a condition for a sidewalk on the uphill side of Lowell in lieu of that 5' bump out for trucks, because I disagree with the City Engineer that we should use pedestrians in the streets to slow down traffic.

I agree that a time table from the applicant would be helpful with respect to construction staging. And with regard to their compliance with historical guidelines and materials and the colors, it's not so much about the style. It's about the density and the excavation that are primary concerns. And the height of the buildings. I would also like to hear more about the potential mitigation of any toxic soils that are found.

Oh, I wanted to ask Legal Staff and Planning to get back to us about the employee housing and affordable housing requirements on site, and if those numbers have changed since 2009 based on the current proposal.

If they're in alignment with the current proposal or if they're based on different numbers. I'd like the Staff to respond to that.

Let's see. That's all I have.

Chair

Strachan: Great. Commissioner Joyce.

Commissioner

Joyce: Just to follow up with what he heard about kind of the historic piece. And I actually enjoyed going through the pictures. But for what it's worth, what I saw there, even when you pointed out larger buildings like the Sky Lodge and the Coalition Building and Marsac and things, is I saw a lot of three to five story buildings that were all built on natural grade. I didn't see anything that was cut into hillsides. I didn't see anything that was 10 or 11 stories. I didn't see anything that I could kind of compare to what we're looking at for this kind of a plan. The only building I saw that was, you know, kind of---wasn't built on, on the grade was actually the Ontario building, and that actually went quite naturally up the slope and, and had lots of steps as it worked its way up the slope. So, yeah, there's variety in size, but nothing like what we're looking at here.

To me, what I had to do is---this, this was a nice step back. We've kind of been away from the, the basic drawings, the Woodruff drawings, all those kinds of things for a while. And as we're starting to try to pull things together it really helped me to go back to this. To be clear, you mentioned something about, you know, it wasn't until the 2009 group that we became in love with the Woodruff drawings. I'm certainly not in love with the Woodruff drawings, but it seems like when we go back through all the notes and minutes that you guys were looking at a number of different alternatives, and a lot of the alternatives were kind of trading off what I'll call sprawl versus compressed density, and the effects that it would have on preserving open space. And there was just a tremendous amount of thought that went into the heights of buildings and how they stepped back and everything. So, as much as I don't necessarily love the Woodruff drawings, it seems like it was a very important part of the overall Master Plan agreement, 'cause it was referred to over and over again, about this was the selection that we made instead of the other seven that we were looking at.

And so when I went back and compared 17.2 with Francisco's help, there's three really just kind of fundamental things that have changed. One is, stuff got bigger. And mostly that was due to additional commercial space. I guess what was referred to as accessory space, resort accessory space, meeting space, circulation. Those added up hundreds of thousands of extra square feet, and as a result of that it certainly has a huge impact on what you have to mitigate.

The big one that you've heard of a bunch today is the buildings are dug a lot deeper into the ground and they no, no longer move up the hillside. Instead of basically exiting at the top, the back of the building at natural grade, now we end up with some places that are, you know, a hundred feet and then spaced out. So it's not the building acting as the retaining wall anymore. It's the building spaced out dozens of feet from a cliffscape. And that has a huge impact.

And the last thing is the, the change that has the whole kind of plaza, ski run, pool area in between that didn't exist before. And, and quite honestly, no one of these things is, is like to me, the, you know, an absolute failure kind of thing. It, it's an alternative plan we have to look at. But all three of those things had huge impacts on what you guys end up having to mitigate, which is obviously what we're doing here with the CUP process. So you end up with substantially more excavation, and it's not just a statement of the volume, but it's the noise and dust from the blasting and the hauling. It's the duration of the excavation events. They're going to go on, as we have learned for years. It's impact to the Spiro Drinking Water Source Protection Zone. It's impacts to erosion risks from storing the excavated soil up on the restricted open---not restrict. The recreational open space land.

When I went back and looked at the plan, sure enough there's---I'm sure there would have been some retaining walls along the way. But I guess Francisco's description of, you know, it wasn't cliffscape based. I mean, there just certainly weren't any of these, you know, 80, 90, 100, 150 kind of foot walls anywhere in the original plan. And I think that's just a really important deviation that I don't know how we address mitigation of that.

And digging the building deeper into the ground, to me this is one of the most serious issues where we look at deviation from the actual plan. There was clearly a lot of thought that went into the impacts of mass and scale; and, therefore, the maximum building heights stepping back,

getting larger as it went, having a maximum elevation and setting elevation restrictions throughout the project. I don't think anyone ever anticipated the idea that we would just dig 130 feet into the ground as a way to compensate for that. And so when you go back and again look at the Woodruff plans, you can see how well the drawings match the text of all the discussions and minutes and what was, what was put into the, to the limitations. And very clearly they didn't have that in mind at all when they were doing the Master Plan. The end result is there's substantially more mass and scale. You guys talked about having articulation in the higher buildings and things, but I mean, there's a number of places where, you know, for ten, eleven stories you basically have a, a giant wall going up. So, it's not there yet.

When I was going through the plans, again it was pointed out tonight, but the applicant has distinguished between allotted commercial and the 5% support commercial that would be allowed. I've always contended that no, the 5% that you got was what was allowed, and I, I think it was pretty clear when it says the maximum can't be exceeded. But going back through all this documentation tonight, everywhere you look says support commercial, support commercial, support commercial, and it details 3-1/2 and 15-1/2. And so I still think you're double-counting. I think that's just a fundamental deviation from the original plan. And that has obvious impacts on both parking and traffic, but I don't think it's a mitigation issue. Again, it comes back to it's not part of what was agreed to.

At some point we need to get back to the excavation plan. We had a lot of questions generated from the October 11th meeting. I went back and looked at the original excavation plan that we had from, I forget when it was, back in at least 2004 or something. This was the six-page description of what was excavation. And the---most of the dirt was going onto ski runs and then there was a handful of things listed as proposed secondary sites. One of the proposed sites matches up pretty closely it looks like, at least on a map level. I mean, it was nothing other than a line, but it looks almost exact as a proposed secondary site. But the capacity for that site was listed at 75,000 cubic yards of fill. And so what I want to understand is why back when you did the excavation plan before, that site was good for 75,000 acres---not acres, cubic yards, I'm sorry. Acres, that would be a lot. So it's good for 75,000 cubic yards, and now we're looking at putting to be determined, but roughly a million cubic yards up there in that same spot. So if you could make that part of the come back to our, our excavation questions.

Likewise, I've gone out and just done the poor man's research because I've been just frustrated that we haven't had any more detail on soil expansion, even though we've been asking for, gosh, the better part of a year now. And so I went out and just poked, and sure enough, of course on the internet you can find everything. And I kept finding consistent, you know, things used by the equivalent of UDOT. I mean, Departments of Transportations around the United States. And every time I would find something that talked about swell values for, for, you know, blasted rock, or granite or limestone, everything I see keeps coming back 50-80%. And you guys have been working with 20%. And so, at some point---there's, there's a big different when you take 800,000 cubic yards and either expand it 80% or 20%, and the impacts that has up in the ROS zone. So I think that's really, really critical to get nailed down pretty soon.

The last thing that Laura brought up is---you know I went back through the details of the four mining sites that were discovered. And for both the Creole Mining Site and the Creole adit there was documentation from 2005 from Park City Municipal that said these are in the Spiro Water Protection Zone. You're going to have to get the, the toxic soil out of there. And so we haven't heard where you want---all we've seen is we're going to keep the toxic soil on-site and cap it. We haven't seen anything about where it's going. We haven't seen anything about the volumes of it. And all we got was a quick breeze through on some of the rock fracturing kind of thing of, you basically said you don't need to worry about the water protection zone because the water is going to flow away. But when I go back and look at that Park City Municipal document from, from the City's Engineers, it looks like they had a lot of concerns about underground tunnels, rock fracturing and things that would transfer water from almost anywhere on site to almost anywhere else. So again, when you guys come back with details on the excavation, I'd appreciate it if you could address all of those at a pretty detailed level, because obviously they're, not something you can just kind of go, oh, we'll mitigate that.

That's it for me. Thank you.

Chair
Strachan: Commissioner Band.

Commissioner

Band: Great. Thank you. I concur with all of my fellow Commissioners and what they've said so far. And Francisco, great, great work. Thank you so much. You deserve a raise. I'll just say that on the record. Working very hard, and this especially packet made it very clear the differences between Woodruff and what's being proposed now. I really appreciate that. You know, just out of the actual language of the MPD, "General development parameters have been proposed for this Master Plan approval", though I don't think anyone was looking for exactly built as Woodruff, it certainly was a pretty clear guideline of what was expected to be done.

So, not to beat a dead horse, but we've heard again, and I know the applicants heard again and again from all of us up here that we really want a lot more detail. I mean, you're talking to a group of people who talked about gravel for two hours one night. We have looked so closely at other Master Plan Developments, that every single tree they take out they have to explain why, and what kind of caliper tree will be, it will be replaced with. So when we're looking at your application on the scale of what's being proposed, it is so, so imperative that we get all of the details down to kind of the minutia. Do we have a---and, and they do need to be written down as well. So, I mean, I, I was not at the last meeting, I apologize for that. I read the minutes through three times with the different things in front of me trying to understand, but I don't believe that we actually got anything written from Big D, any of these proposals in writing. So in order for us to really dig down, we need to see them written down and be able to come back to you and ask for more detail, or ask for more clarification.

Do we have a revegetation plan, by the way?

Director

Erickson: No.

Commissioner

Band: Okay. So---

Director

Erickson: We have some, we have some commentary in the constructability report. That's all.

Commissioner

Band: Okay. Right. So, I mean, if we're talking about mowing down huge swaths of trees, again, with every other MPD we've looked at, we're looking at them tree by tree. Tree by tree. What's being taken out, what's being replaced, and with what's being replaced what's the caliper of what's being replaced. So a revegetation plan, to me, in addition to everything we've talked about tonight with the other Commissioners, would be very, very important.

Phasing plans. I think, Bruce, you brought up in the minutes last week, what happens if North Korea, I think was your actual quote, but when we're talking phasing here, if there's a halt to construction, are we going to end up with an enormous eyesore just sitting above our Old Town. I mean, the way things get phased I think is going to be incredibly important. And I would like to see it done regardless of expense, quite frankly, in as small of areas as possible. If you're going to phase this, let's phase it in ways that 1) makes sense; but 2) if construction needs to stop for any reason whatsoever, that we're not stuck with something that we can't fix.

I also echo Commissioner Thimm, especially to Staff or whoever, to help us understand this building area boundary, development area boundary, and limit of disturbance. All three of those terms are used, but I'm not exactly sure how we figure out what is allowed and not allowed to be done.

And I think that's everything.

Chair

Strachan: Thank you. Commissioner Phillips.

Commissioner

Phillips: Okay. I'm going to try to keep it simple. You know, so many things have been said in the past and I don't feel the need to go back and repeat some of my comments from previous meetings. But I'll start with what I do agree with Commissioner Band in regards to the importance of detail. I also agree with Commissioner Joyce. I saw the same thing where the historically large buildings stepped up the hill. I do look forward to getting the additional analysis from Staff on the comparison. The side by sides and those things, I think, are going to help complete the understanding. The limits of disturbance. And once again, I'm trying not to repeat myself,

but again, I will say the problem with the cliffscapes is they should be considered structures themselves.

Let's see. As far as whether or not anyone liked the Woodruff plan. I mean, who liked, who liked anything from the '80s as far as architecture goes. Aren't we remodeling those all over town? This project should be similar in mass and scale and should look like the '80s Woodruff plan remodeled. As much as the ar-, you know, well, as far as the architecture that was, you know, the details and the stuff that we talked about tonight, I don't think that there's a whole lot of issues with that, with the style and techniques of being implemented. But, if the main blocks don't fit, you're just putting lipstick on a pig. And that's all I have.

Chair

Strachan: Great. Thank you. I don't have really anything to add, except that I concur with the comments that were previously made. I will echo Commissioner Band in commending Francisco on this report. We've been doing this together for a long time, Francisco, and your work keeps getting better and better. And this one is probably one of the best I've ever seen. And it's---as we get down to the short strokes here and making a decision, it's these types of Staff report with these types of numbers and this type of detail that we're going to be going back to over and over again. They'll guide us.

And, you know, that sort of leads me to where are we going here. I'm curious from the applicant, what's you guys' timeline on getting a decision? I mean we, we've asked for, you know, months and months for additional detail; and sometimes that's provided, sometimes it's not. But there has to be a finite point where you guys are comfortable with the detail you've provided. And we may disagree on that, but you know, you're going to run something up the flagpole and see if anybody salutes. And are we getting there? You'll probably need the mic.

Jeff

Mangum: One of the things that affects our timing is when we get the information from our GRAMA request. There's a lot of stuff that's been requested, and when we know that we'll be able to answer your question.

Chair

Strachan: All right. Do you guys have any intention of providing more details, for instance, just construction mitigation plans? Is that---

Pat
Sweeney: Adam, we are---

Chair
Strachan: Regardless of what the GRAMA request says, are we at a place with the submittals necessary---or are the submittals that have been made, do you plan on amending those at all, or are you sticking with those?

Pat
Sweeney: Adam, we'll be done presenting, barring some major issue, November 29th.

Chair
Strachan: Okay. All right. And I understand that's subject---

Pat
Sweeney: And a lot of that will be in writing, and a lot of it's very, just like the stuff nobody can find.

Chair
Strachan: All right. Fair enough.

Pat
Sweeney: Okay.

Chair
Strachan: Fair enough. Yeah, I don't have really anything else to add. I just encourage the applicant to provide as much detail as possible. And we will go from there.

Anything further to add before we continue the matter? Okay.
Commissioners, do we have a motion to continue?

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Permit to November 8, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

5. **7695 Village Way – Empire Residences Conditional Use Permit for a 20-unit lodge building subject to requirements of the Village at Empire Pass Master Planned Development for Building 3, with one employee housing unit and one ADA unit.** (Application PL-17-03526)

Planner Whetstone reviewed the conditional use permit application for Lodge Building 3 at the Village at Empire Pass Master Planned Development, located at 7695 Village Way, just north of Shooting Star, which is Lodge Building 2. The project sits within Pod A of the Village at Empire Pass, subject to the Flagstaff Annexation and Development Agreement. It is also subject to the Village at Empire Pass and associated plat notes, as well as the LMC. The property is located in the RD zone. The proposal is for 21 residential units in one building; in addition to providing one ADA unit and one affordable housing deed restricted unit. The requirement for Empire Pass was 1.1. The applicant is providing 880 square feet for the deed restricted unit. A single parking garage at approximately 12,000 square feet provides most of the required parking. She believed two spaces were outside the garage. Planner Whetstone noted that this included the 25% reduction as required by the Development Agreement.

The Staff analysis of the project was included in the Staff report. The project was also reviewed against the LMC conditional use permit criteria.

Planner Whetstone clarified that the Planning Department was not looking for final action this evening. The Staff report outlined items for the Planning Commission to discuss and provide feedback. The Staff would like discussion regarding the side setback reductions for the balconies on the north side. Since this is a Master Plan the requirement is 12'. The balconies are not at ground level and the Planning Commission has the purview to grant a setback reduction. The Staff also requested discussion and review regarding compliance with the volumetrics. It meets the height but there are issues with the volumetrics in terms of stories.

Planner Whetstone stated that she had been working with the applicant most of the summer on this project and it is much better. The applicant also worked with the Design Review Board and the Planning Department had received the signed letter of approval today. It would be included in the Staff report for the next meeting. Planner Whetstone noted that the Design Review Board had reviewed the project in extensive detail because there is an architectural theme that they try to protect.

Planner Whetstone requested that the Planning Commission discuss the two items outlined in the Staff report, conduct a public hearing, and continue this item to November 29, 2017. She had included draft findings of fact and conditions of approval

in the Staff report to give the Commissioners the opportunity to review them before the next meeting.

Brady Deucher, representing Empire Residences LLC, stated that the main question with volumetrics that was discussed extensively over the past year with the Design Review Board at Deer Valley and with Planner Whetstone, was that every existing building is five stories. The proposed concept of their building is also five stories. Mr. Deucher believed the height limit was the issue. They have 82' but it can only be certain percentages, and it has to step down in spite of the slope. It took a lot of time and work but they were able to get under 82' and it steps down on both levels. Mr. Deucher stated that all the buildings at 1 Empire are all six stories plus. The Design Review Board said that because a precedent was already set, they were less concerned about the stories and more concerned about meeting the building height, hitting the percentages, and stepping down the building. Mr. Deucher noted that with the number of UEs, the amount of square footage, and the building height, they were at six stories, which is the same as the surrounding buildings.

Mr. Deucher asked Riley Jarrett, the project architect, to comment on the issue with the balconies. Mr. Jarrett stated that the balconies are on the north side and a setback line cuts a sharp diagonal. They were proposing to offer a usable balcony, but overhanging them without any support below. They would cantilever out from the buildings and consequently encroach slightly into the setbacks. That was the first variance in the setback. Mr. Jarrett stated that mechanical equipment was another issue for discussion.

Lynne Padan, with Empire Residences, commented on the setback issue. He noted that they have a large 20' access that Deer Valley uses to reach the base of the Silver Strike Express Chair Lift. The property line was chosen to be on the south side of that easement as opposed to the north side or the middle and, therefore, it ended up being platted on the south side. He thought it was important to note that there was another 20 feet between their building and the next property. A corner of the balconies encroaches, but it does not encroach onto someone else's property. He thought it was important to understand that the property line was arbitrarily determined and because of how it ended up, a corner of the decks intersect the setback.

Chair Strachan asked for the size of the encroachment. Mr. Padan used a rendering to show the driveway access to the lift, and how the corner of each balcony comes into what would be a required setback. He indicated their property line and its proximity to the next property. The balconies encroach in a triangular configuration at approximately 5 feet.

Commissioner Suesser asked if the encroachments were only on the north side. Mr. Padan answered yes. The corner of the deck encroaches into the 20' easement to access the ski lift. Commissioner Phillips assumed the encroachment was approximately 20 square feet. Mr. Jarrett replied that it was less than ten feet.

Commissioner Campbell asked if the access road was a dirt road. Mr. Padan replied that it was dirt currently, but it would be paved and heated as part of the project.

Mr. Jarrett remarked that the condensers on the south side also encroach into the setback. The condensers are completely underground and four feet away from the property line. There will be a metal grate over the top for air circulation. Mr. Padan stated that the building itself is entirely within the setback. He understood that the Code allows mechanical equipment to encroach into the side yard setback if it is above grade in a screened enclosure. They put the mechanical equipment below grade and it is not visible at all. Planner Whetstone explained that mechanical equipment is allowed to encroach 5' into the 12' setback. The Staff believes that because the condensers are underground they are considered screened, as long as the Fire District can move over the top of the grates.

Planner Whetstone clarified that the building itself meets the 12' setback on the south side. The mechanical equipment is screened with a big retaining wall all the way down to the parking garage. The mechanical equipment themselves are 8' from the property line. Mr. Padan emphasized that the mechanical equipment is 100% below grade.

Commissioner Thimm understood that if the condensers were at grade with a retaining wall to screen it, it would be LMC compliant. Planner Whetstone answered yes. However, the wall in the side setback could only be 6' tall. Mr. Padan believed that putting the mechanical equipment underground was a better solution than what was otherwise allowed.

Commissioner Band asked if they need an exception because the equipment is below grade. Planner Whetstone explained that the Code states that mechanical equipment can be in the side yard setback and it can encroach 5' into the side yard setback.

Director Erickson asked if the Planning Commissioner needed to make a decision on the mechanical equipment, or whether it was just information. Planner Whetstone replied that it was only information. The Planning Commission was being asked to address the setbacks for the balconies. Director Erickson clarified that the deck setback was affected by the building volumetrics, plus the property line on the north that is outside the Deer Valley ski lift access road. The discussion should focus on compliance with the bulk, mass and scale. In giving direction to the Staff and applicant,

the first step would be to determine whether the proposal meets the height, bulk and mass requirement of the Empire MPD. After that, they can work through the setbacks.

Chair Strachan asked if the applicant was seeking a height exception. He was told they were not.

Planner Whetstone reviewed the elevations and the Building 3 volumetrics. She believed the design meets the requirements for articulation. In looking at Elevation C, she counted the garage level and six stories, and a unit in the roof.

Commissioner Joyce understood that there were height restrictions of 25% at 74' on the north end; 55% at 82'; and 20% at 74' on the south end. The applicant added a story based on those restrictions. However, in another packet they were given, the numbers were 25% at 74'; 50% at 82' instead of the 55% they are allowed; and 25% instead of the 20% allowed. Even with the added floor, he believed the height was smaller than the 25%, 55% and 20% allowed.

Director Erickson stated that if the Commissioners were comfortable with Commissioner Joyce's analysis, the Staff could make a finding to that effect.

Commissioner Campbell asked for clarification as to why one graphic said 50% at maximum height of 82', six stories plus mezzanine, but another graphic said 5 stories plus mezzanine. Planner Whetstone explained that one was the applicant's building, and the second one was a volumetric that was approved back when the Master Plan was approved. She believed it still met the volumetric, but not the other language of the volumetric of the additional stories.

Commissioner Campbell referred to a note that talks about half stories at the top floor. Mr. Padan explained that there are three units at the top floor, which are mezzanines of the units below. He clarified that they were not individual units. The requirement is to have 5 stories plus a mezzanine. Mezzanine meaning a partial floor of the unit beneath it. Commissioner Campbell asked for the ceiling height in that space. He was told it was 8'; however, the ceiling slopes and it is vaulted up to 9' in some areas.

Commissioner Thimm noted that the mezzanine is part of the sixth floor but it is a seventh level. Planner Whetstone stated that she was able to tell that the building met the volumetric and the heights, but she thought the Planning Commission should make a decision on the details. Commissioner Campbell asked if the LMC speaks to the number of floors. Planner Whetstone answered no. Commissioner Campbell pointed out that the exception has nothing to do with the LMC. Chair Strachan clarified that it was specific to Empire Pass as part of the development agreement.

Commissioner Campbell asked if the Planning Commission had the right to make this type of change to an MPD. He felt that granting the exception would allow the applicant to violate the rules of the MPD. Assistant City Attorney McLean replied that they needed to abide by the requirements of the MPD. Commissioner Campbell questioned how the Planning Commission could approve it. Ms. McLean replied that the Staff had that same issue.

Mr. Padan stated that the last three building that were approved in Empire Village all have the same volumetrics that was approved as part of the Master Plan and the Flagstaff Development Agreement. Each of the nine buildings were approved. They all say five stories and they all have maximum heights. The last three buildings that were approved and built have six stories and a mezzanine. The applicant's interpretation, and he believed the interpretation of the Design Review Board, was that the diagram says five stories, but it also has a maximum height. That was interpreted as an example. It is roughly a box and they need to fit the building within that box. The architect who theoretically drew that at the time had a theoretical building in all nine cases, and showed five levels. However, the standard has been six and they complied with what the last three buildings have done.

Planner Whetstone stated that she was only the Planner on the last building which is currently under construction. That building has four stories with the fifth story in the roof level, and five stories in the middle. She agreed with the applicant that some of the other buildings appear to have additional stories.

Mr. Padan reviewed a rendering of the Flagstaff building that showed six stories plus an additional level. He noted that the Flagstaff building complies with the maximum height; and that this applicant complies with all the volumetric designs as well in terms of height. Mr. Padan stated that 1 Empire, the building under construction, is six stories. Planner Whetstone clarified that 1 Empire does not have a mezzanine. Mr. Padan agreed, but there are six levels, and the volumetric design says five. He noted that Silver Strike has six levels well, and their volumetric design says five. He pointed out that all of the buildings mentioned meet the height requirement.

Chair Strachan believed the Planning Commission understood the issue.

Chair Strachan opened the public hearing.

Doug Ogilvy, stated that he was representing Redus Park City, the owner of the site to the north, and he was also President of the Design Review Board. Mr. Ogilvy stated that the DRB reviewed this application and focused on the height. He concurred with

Mr. Padan's analysis that all of the buildings have worked to the six story height limitation, as opposed to the five story shown in the volumetric. He believed the case could be made for six stories and the DRB was comfortable with it. With respect to the encroachment in the north setback, Mr. Ogilvy concurred with Mr. Padan that with the 20' driveway they were probably 25' from the next building, plus 12'. The driveway creates an additional buffer; therefore, the 5' encroachment into that 12' zone is not a concern to the DRB, or to the adjacent property owner. Mr. Ogilvy reported that the applicant has been working with the DRB for months and have responded to their suggestions and concerns by massaging the building massing and architectural detailing. Mr. Ogilvy noted that the Design Review Board had sent a letter of support to the Planning Department.

Chair Strachan noted that the letter contained a number of conditions of approval. He asked if the applicant disputed any of those conditions. Mr. Deucher replied that the applicant was comfortable with the conditions.

Chair Strachan noted that the encroachment is into Deer Valley's right-of-way. If the Planning Commission decides to grant the exception, they would require an encroachment agreement between the two parties as a condition of approval. It was noted that the encroachment is into the setback and not into the right-of-way.

Chair Strachan closed the public hearing.

Commissioner Joyce understood that for the affordable housing they counted storage units downstairs to achieve the 880 square feet required. He has never known the City to claim detached closet storage as part of living space to meet affordable units. Planner Whetstone agreed that it was unusual. The applicant was having a difficult time reaching the 880 square feet, and she spoke with Rhoda Stauffer, the City Housing Specialist, who said if they could provide storage it would be counted because storage is always a premium for the smaller units. Planner Whetstone emphasized that the decision was made by the City Housing Specialist.

Commissioner Joyce questioned whether Ms. Stauffer had the authority to make that decision because it goes against the LMC, which requires 880 square feet of living space. He stated that if the City intends to count storage, then all of the storage units should be added to all of the square footages in the entire project in relation to the UEs provided. They either all count or they do not. He has never seen detached storage counted. Planner Whetstone explained that affordable units do not use UEs. It is in the Housing Resolution and not in the LMC. She asked Ms. Stauffer specifically if the storage units could be counted and she had said yes.

Assistant City Attorney McLean agreed with Commissioner Joyce. Either the Housing resolution needs to say it specifically, or they have to go back to the Housing Authority to make that determination. Ms. McLean recommended that Planner Whetstone verify it with Ms. Stauffer before the November 29th meeting.

Commissioner Joyce thought there were two questions. If they answer is to reduce the requirement for affordable housing for this particular unit, that is one issue. However, he did not understand how anyone outside of the Code could arbitrarily decide to include detached storage on another floor when calculating the square footage of any residence. If that is the intention, he believed every storage unit on ground floor should be added into the space above. Commissioner Joyce wanted to make sure the Housing Authority was not telling them to count square footage inconsistently inside a building, because he would not sign off on that. If they come back and say they are willing to take less than 880 square feet, that is a different issue.

Chair Strachan stated that the Housing Authority applies different standards. They apply the Housing Resolution and not the LMC. He agreed with Planner Whetstone that the LMC does not allocate UEs to affordable units. Commissioner Joyce pointed out that the LMC has a square footage requirement.

Assistant City Attorney McLean understood Commissioner Joyce's concern and she thought the Staff should come back with a more complete analysis. She remarked that while UEs are not calculated in terms of overall UEs going to affordable housing, it is generally private area and not common area. Planner Whetstone understood that the unit would be common area. It would not be private and for sale. Ms. McLean clarified that it could not be a for-sale unit if it is common area. Planner Whetstone stated that it would be common area held by the HOA. Ms. McLean remarked that generally storage areas are also common. She suggested that they table this discussion until the Staff has the opportunity to look into it further. Ms. McLean agreed that one set of storage units could not be treated differently than other sets of storage.

Director Erickson requested that the Planning Commission focus on whether the project meets the height limits with variation, but does not directly respond to the conceptual diagram in the MPD. Planner Whetstone reiterated that her concern was with the mezzanine level in the sixth floor, as opposed to a mezzanine level in a fifth story.

Chair Strachan thought this was an example of why precedent is important. If they set precedent with other buildings, it sets the precedent for the buildings to come. That is why decisions made by previous Planning Commissions are important. Chair Strachan agreed with Commissioner Joyce's analysis. The heights are met. There is a

precedent for having more floors that are indicated in the volumetrics drawings, but precedent exists and they can follow it as long as they meet the height requirements. Commissioner Band concurred.

Commissioner Thimm asked if the other buildings went through the same CUP process. Director Erickson answered yes. Commissioner Thimm asked if it was determined that they were seven levels. Chair Strachan asked Mr. Ogilvy if he could answer that question.

Doug Ogilvy stated that 1 Empire was definitely six levels. He would have to look at the plans to see if it might be 6-1/2. Chair Strachan stated that if it was six stories it already met the deviation. However, he recalled going through the same analysis and he was relying on Mr. Ogilvy's memory as the applicant's representative at the time.

Assistant City Attorney McLean suggested that the Staff look at the other approvals and the findings. They need to look at exactly what happened, because if they made a mistake with one building, they do not have to make the same mistake again. However, if they made the same decision they were leaning towards this evening, they could rely on it. She reiterated her preference to wait until the Staff researches exactly what was done with other approval. Commissioner Thimm thought that knowing the background of the precedence was important.

Chair Strachan asked the Commissioners to comment on the setback exception. Commissioner Band was uncomfortable with the exception. The applicant has a blank lot and they were able to design whatever they wanted to put on that lot. They were not able to fit the square footage of one affordable unit and made a closet to meet the square footage requirement, but the building is large enough that they needed five feet off of the corner to add a deck. Commissioner Band clarified that she was not saying no at this point, but she believed they could have designed around all of the problems. If there is a precedent, she would probably not make it an issue. Commissioner Band had no issues with the six floors and a mezzanine because several building up there have six stories plus.

Chair Strachan concurred. He recalled that one of the hot button issues was the amount of affordable housing in the Flagstaff annexation agreement. Much of the governmental decision around that agreement many years ago was whether to put affordable housing up there, and if so, how much. He thought the guidance was to put in as much as possible. Chair Strachan stated that if the affordable units were getting squeezed so the non-affordable units could have bigger decks, that was not in line with the original intent of the Flagstaff Annexation Agreement. He believed there was room to work it out as they resolve the problem of counting storage space as affordable

square footage. Chair Strachan thought it was good that the Planning Commission was being asked for a continuation rather than approval.

Commissioner Campbell suggested that Commissioner Band read LMC 15-2.13-3 to help with the issues she had with the deck. It had lot and size requirements and there were areas where the applicant could request items that could go into the side and back yards. She read from Item 8, "The Planning Commission may vary side yards in subdivisions and MPDs. In no case shall the Planning Commission reduce side yards to less than 10 feet between structures", which they were not doing. Commissioner Campbell believed the Planning Commission clearly have the ability to allow this request.

Commissioner Campbell recommended that the applicant check with the manufacturers of the condensing units, because he could not imagine they would work underground without enough air flow. Mr. Jarrett stated that he has been working with the manufacturers. They cannot double stack or stagger the condensers, but keeping them single should not be an issue.

Commissioner Joyce stated that normally when they talk about doing exceptions, there is a reason behind it such as an extenuating circumstance or an unusual lot, etc. He agreed with Commissioner Band that they had a clear open lot, and they designed the building too large to accommodate the setbacks. He believed there needed to be something more substantial to justify the exception.

Commissioner Campbell asked if it was fair to ask the applicant for a mock-up of what the decks would look like if the corner was pushed back without the exception. Mr. Padan was willing to do a mock-up. He stated that it was initially designed with the corner clipped off, but they thought it would have more architectural appeal if it was rectangular. Commissioner Campbell asked if Commissioner Joyce would be more inclined to support the exception if they put the square footage for the affordable housing back upstairs. Commissioner Joyce thought the two issues were unrelated.

Director Erickson noted that the Staff report was written for a continuance to November 29th; however, that date is contingent on Planner Whetstone having enough time to do the research and the applicant having enough time to respond. The Planning Commission should continue to November 29th, and if they are not ready with all the information, it could be continued to another meeting. Ms. McLean pointed out that the agenda was already heavy on November 29th. Chair Strachan recommended that they keep the November 29th date as scheduled.

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MOTION: Commissioner Joyce moved to CONTINUE 7695 Village Way, Empire Residence Conditional Use Permit to November 29, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 9:20 p.m.

Approved by Planning Commission: _____

APPROVED